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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of August 2000 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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John G. Schultz
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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 nine sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2000 - 2001

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

WSR 00-16-001
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 19, 2000, 3:50 p.m.]

Subject of Possible Rule Making: Chapter 392-138 WAC, Finance—Associated student body moneys.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes are needed to reflect changes in law made by the legislature during the 2000 session. Subject to appropriate district policies, student groups, in their private capacities, may conduct fund-raising activities to generate nonassociated student body moneys. Notice must be given regarding the purpose of such funds, their intended purpose and that they are nonassociated student body funds (i.e. not public moneys) must be disclosed. Appropriate accounting, including holding the funds in trust exclusively for the intended purpose is required.

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, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Petrea Stoddard, (360) 753-3587.

July 11, 2000

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

WSR 00-16-002
PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY

[Filed July 20, 2000, 9:05 a.m.]

Subject of Possible Rule Making: Chapter 516-60 WAC, Admission and registration procedures, amend and/or repeal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: All admission and registration procedures may not need to be listed in the WAC.

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 Wendy Bohlke, Assistant Attorney General, Old Main 335, Mailstop 9015, Western Washington

University, Bellingham, Washington 98225, phone (360) 676-2037, fax (360) 676-2049.

July 18, 2000

Wendy Bohlke

Assistant Attorney General

WSR 00-16-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 21, 2000, 3:41 p.m.]

Subject of Possible Rule Making: Chapter 388-532 WAC, Family planning services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.09.800, SSB 5968, section 2(12), chapter 392, Laws of 1999.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement the portion of the substitute senate bill authorizing the department to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level (FPL).

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of the rule(s). Draft material and information about how to participate are available by contacting the DSHS representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Myers, Rules Coordinator, Medical Assistance Administration, P.O. Box 45533, Olympia, WA 98504-5533, fax (360) 586-9727, e-mail myrseaa@dshs.wa.gov.

July 20, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

WSR 00-16-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed July 21, 2000, 3:42 p.m.]

Subject of Possible Rule Making: Writing new rules for chapter 388-310 WAC about individual development accounts program, may amend related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, 74.08A.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to clarify:

- Who is eligible for the program (income).
- Contribution limits must be from earned income and the ratio level of matching funds.
- Thirty-six month time frame for program eligibility.
- Program may allow participants to save resources, develop financial skills and assist with reaching the goal of self-sufficiency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WorkFirst is regulated by DSHS, the individual development accounts (IDA) program is administered by the Department of Community, Trade and Economic Development (CTED). DSHS and CTED are jointly coordinating with this rule adoption.

Process for Developing New Rule: DSHS and CTED will jointly develop the clarifying language and will send it out to interested parties for review and comment. Please let us know if you have comments or suggestions on the draft language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Willis, WorkFirst Division, DSHS -LGC, phone (360) 413-3257, fax (360) 413-3482, e-mail willijm@dshs.wa.gov; or Janet Abbett, IDA Program Manager, CTED, phone (360) 753-4978, fax (360) 586-3582, e-mail janeta@cted.wa.gov.

July 21, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-16-027

**PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY**

[Filed July 24, 2000, 9:26 a.m.]

Subject of Possible Rule Making: Chapter 516-34 WAC, Leasing of university property for business purposes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the wording.

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 Wendy Bohlke, Assistant Attorney General, Old Main 335, Mailstop 9015, Western Washington University, Bellingham, Washington 99225, phone (360) 676-2037, fax (360) 676-2049.

July 18, 2000

Wendy Bohlke
Assistant Attorney General
Senior Counsel

WSR 00-16-028

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed July 24, 2000, 12:09 p.m.]

Subject of Possible Rule Making: (1) Revising rules of the Division of Credit Unions (DCU) on member business lending by state credit unions. This CR-101 supplements the CR-101 on the same subject matter filed by the director of the Department of Financial Institutions (DFI) on November 16, 1998, and published in the Washington State Register (WSR) at WSR 98-23-062.

(2) Updating the "additional powers" granted by RCW 31.12.404(1).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.404(2), 31.12.436(1), 31.12.516(2), 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule is to adopt a new rule on member business loans (MBL) made by Washington state-chartered credit unions (state credit unions), and to update the additional powers granted by RCW 31.12.404(1), as discussed in more detail below.

(1) **MBL:** In 1998, DCU repealed its existing rules on MBL, at chapter 208-464 WAC, in anticipation that updated MBL rules would be adopted at a later time. The repeal was effected by the filing of a CR-103 by DFI on January 8, 1999, and published at WSR 99-03-009.

State MBL Rules May Supersede NCUA's MBL Rules: All state credit unions are federally insured by the National Credit Union Share Insurance Fund (NCUSIF), administered by the National Credit Union Administration (NCUA). RCW 31.12.407. Among other requirements, the NCUA requires all federally-insured credit unions to comply with its MBL rules. 12 C.F.R. Section 741.203; 12 C.F.R. Part 723.

The NCUA's MBL rules preempt the application of any less restrictive state MBL laws to federally-insured, state credit unions. However, the NCUA board may exempt state credit unions in a given state from NCUA's MBL rules if the NCUA approves the state's MBL rules for state credit unions (exemption determination). 12 C.F.R. Section 741.203(a), 723.20. Although in the past the NCUA would not issue an exemption determination unless the state MBL rules were virtually identical to the NCUA's, the NCUA has relaxed its standards for such a determination in Section 741.203(1) and 723.20.

DCU believes that new state MBL rules should be adopted and that they should be submitted to the NCUA board for an exemption determination. DCU believes that MBL rules could be crafted that are more flexible than DCU's prior MBL rules, and more flexible than NCUA's MBL rules, while preserving the safety and soundness of state credit unions. More flexible rules will allow credit unions to better serve the needs of their members.

DCU's new MBL rules will not take effect until the NCUA board has issued an exemption determination under 12 C.F.R. Section 741.203(a) and 723.20.

Substance of DCU's New MBL Rules: DCU intends to use the NCUA's new MBL rules as a starting point for drafting DCU's new MBL rules. See the NCUA's final MBL rules at 64 Federal Register 28721, May 27, 1999.

Included with this CR-101 is a preliminary draft of DCU's new MBL rules. DCU has worked with a task force of state credit union representatives to develop the preliminary draft.

(2) Additional Powers: Washington state law grants state credit unions the powers and authorities conferred on federal credit unions as of December 31, 1993. Since that date, state credit union powers and authorities have fallen behind some powers and authorities of federal credit unions. State law permits the director by rule to update these additional powers for state credit unions, if the director finds that the exercise of the power or authority:

1. Serves the convenience and advantage of members of credit unions; and

2. Maintains the fairness of competition and parity between state and federal credit unions. RCW 31.12.404(2).

The DCU intends to update these powers and authorities through this rule making. Included with this CR-101 is a preliminary draft of DCU's new wording to do so.

(3) Regulatory Reform: DCU intends to review its rules through this and other rule-making proceedings, in accordance with Governor Locke's Executive Order 97-02 (EO 97-02) and DFI's regulatory improvement plan.

EO 97-02 requires agencies to review their rules using the following criteria:

A. Need. Is the rule necessary to comply with the statutes that authorize it? Is the rule obsolete, duplicative, or ambiguous to a degree that warrants repeal or revision? Have laws or other circumstances changed so that the rule should be amended or repealed? Is the rule necessary to protect or safeguard the health, welfare, or safety of Washington's citizens?

B. Effectiveness and Efficiency. Is the rule providing the results that it was originally designed to achieve in a reasonable manner? Are there regulatory alternatives or new technologies that could more effectively or efficiently achieve the same objectives?

C. Clarity. Is the rule written and organized in a clear and concise manner so that it can be readily understood by those to whom it applies?

D. Intent and Statutory Authority. Is the rule consistent with the legislative intent of the statutes that authorize it? Is the rule based upon sufficient statutory authority? Is there a need to develop a more specific legislative authorization in order to protect the health, safety, and welfare of Washington's citizens?

E. Coordination. Could additional consultation and coordination with other governmental jurisdictions and state agencies with similar regulatory authority eliminate or reduce duplication and inconsistency?

F. Cost. Have qualitative and quantitative benefits of the rule been considered in relation to its cost?

G. Fairness. Does the rule result in equitable treatment of those required to comply with it? Should it be modified to eliminate or minimize any disproportionate impacts on the

regulated community? Should it be strengthened to provide additional protection?

The DCU is interested in your comments on the MBL rules that DCU will develop in this rule-making proceeding in light of these criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NCUA regulates MBL by federally-insured, state credit unions. However, as permitted by NCUA rules, and explained in more detail above, DCU's MBL rules may supersede the NCUA's MBL rules upon an exemption determination by the NCUA board. As indicated above, DCU's MBL rules will not take effect until the NCUA board has made such a determination. Consequently, state credit unions will not be subject to overlapping MBL rules at the state and federal level.

Process for Developing New Rule: The division solicits input from credits unions and related parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by providing comments and questions on the rules to Parker Cann, Director of Credit Unions, 210 11th Street S.W., Room 300, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8778, fax (360) 704-8778, e-mail pcann@dfi.wa.gov.

July 21, 2000

John L. Bley
Director

Chapter 208-460 WAC

MEMBER BUSINESS LOANS

NEW SECTION

WAC 208-460-010 What is a member business loan?

(1) Definition of MBL. "Member business loan" or "MBL" includes any loan, line of credit, letter of credit, or any unfunded commitment to make a loan, where the borrower intends to use the proceeds for any of the following purposes:

- (a) Commercial;
- (b) Corporate;
- (c) Investment property;
- (d) Business venture; or
- (e) Agricultural.

(2) Exemptions. The following are not member business loans:

(a) A business purpose loan fully secured by a lien on a one to four family dwelling that is the member's primary residence;

(b) A business purpose loan fully secured by shares or deposits in the credit union making the extension of credit or in other credit unions, or by deposits in other financial institutions;

(c) One or more business purpose loans to a member or any associated member which in the aggregate do not exceed the amount of fifty thousand dollars. The entire amount of such a loan that exceeds fifty thousand dollars, or that causes the aggregate to exceed fifty thousand dollars, is a MBL;

(d) A business purpose loan where a federal or state agency or any of its political subdivisions fully insures repayment, or fully guarantees repayment, or provides an advance commitment to purchase in full; or

(e) A loan granted by a corporate credit union to another credit union.

(4) Other definitions. Certain other terms used in this chapter are defined in WAC 208-460-170.

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

NEW SECTION

WAC 208-460-020 What member business loans are prohibited? (1) Who is ineligible to receive a member business loan? You may not grant a member business loan to the following:

(a) Your chief executive officer (typically this individual holds the title of president or treasurer/manager);

(b) Any assistant chief executive officers (e.g., assistant president, vice-president, or assistant treasurer/manager);

(c) Your chief financial officer (comptroller); or

(d) Any associated member or immediate family member of anyone listed in (a) through (c) of this subsection.

(2) Equity agreements/joint ventures. You may not grant a member business loan if any additional income received by senior management employees is tied to the profit or sale of the business or commercial endeavor for which the loan is made.

NEW SECTION

WAC 208-460-030 What are the requirements for MBL development and construction lending? Unless the director grants a waiver, a credit union that makes MBL development or construction loans is subject to the following requirements:

(1) The aggregate of all such loans may not exceed twenty percent of net worth. To determine the aggregate, you may exclude any portion of a loan:

(a) Secured by shares or deposits in the credit union making the extension of credit or in other credit unions, and by deposits in another financial institution;

(b) Insured or guaranteed by any agency of the federal government, state, or any of its political subdivisions; or

(c) Subject to an advance commitment to purchase by any agency of the federal government, state, or any of its political subdivisions;

(2) The borrower on such loans must have a minimum:

(a) Thirty percent equity interest in the project being financed if the loan is for land development; and

(b) Twenty-five percent equity interest in the project being financed if the loan is for construction or for a combination of development and construction;

(3) The funds for such loans may be released only after on-site inspections, documented in writing, by qualified personnel and according to a preapproved draw schedule and any other conditions as set forth in the loan documentation; and

(4) The credit union may not make such loans unless it utilizes the services of an individual with at least five years direct experience in development and construction lending.

NEW SECTION

WAC 208-460-040 How do you implement a member business loan program? The board of directors must adopt specific member business loan policies and review them at least annually. The credit union must utilize the services of an individual with at least two years direct experience with the type of lending the credit union will be engaging in, except as required by WAC 208-460-030(4).

Credit unions do not have to hire staff to meet the requirements of this section; however, credit unions must ensure that the expertise is available. A credit union can meet the experience requirement through various approaches. For example, a credit union can use the services of a credit union service organization, an employee of another credit union, an independent contractor, or other third parties. However, the actual decision to grant a loan must reside with the credit union.

NEW SECTION

WAC 208-460-050 What must your member business loan policy address? At a minimum, your member business loan policy must address the following:

(1) The types of MBL you will make;

(2) The maximum amount of your assets, in relation to net worth, that you will invest in MBL;

(3) The maximum amount of your assets, in relation to net worth, that you will invest in a given type of MBL;

(4) The maximum amount of your assets, in relation to net worth, that you will loan to a member or associated members, subject to WAC 208-460-070;

(5) The qualifications and experience of personnel (minimum of two years) involved in making and administering loans;

(6) A requirement for analysis and documentation of the ability of the borrower to repay the loan;

(7) Receipt and periodic updating of financial statements and other documentation, including tax returns;

(8) Documentation sufficient to support each request to extend credit, or increase an existing loan or line of credit, except where the board of directors finds that the required documentation is not generally available for a particular type of loan and states the reasons for those findings in the credit union's written policies. At a minimum, the documentation must include the following:

(a) Balance sheet;

(b) Cash flow analysis;

(c) Income statement;

(d) Tax data;

(e) Analysis of leveraging; and

(f) Comparison with industry average or similar analysis;

(9) Collateral requirements, including:

(a) Loan-to-value ratios;

(b) Determination of value;

- (c) Determination of ownership;
- (d) Steps to secure various types of collateral; and
- (e) How often the credit union will reevaluate the value and marketability of collateral;
- (10) The interest rates and maturities of the loans;
- (11) General MBL procedures which include:
 - (a) Loan monitoring;
 - (b) Servicing and follow-up; and
 - (c) Collection;
- (12) Identification of those individuals prohibited from receiving member business loans; and
- (13) Guidelines for purchase and sale of member business loans and loan participations, if the credit union engages in that activity.

The division recognizes that all of the provisions of the policy may not apply to every MBL.

NEW SECTION

WAC 208-460-060 What are the collateral and security requirements? (1) Unless the director grants a waiver:

(a) All member business loans must be secured by collateral in accordance with this subsection (1), except the following:

(i) A credit card line of credit granted to nonnatural persons that is limited to routine purposes normally made available under such lines of credit;

(ii) A loan made by a credit union that meets each of the following criteria:

(A) The amount of the loan does not exceed one hundred thousand dollars;

(B) The aggregate of unsecured MBL under subsection (a)(ii) of this section does not exceed ten percent of the credit union's net worth; and

(C) The credit union has a net worth of at least seven percent;

(b) In the case of a member business loan secured by collateral on which the credit union will have a first lien, you may grant the loan with a LTV ratio in excess of eighty percent only where the value in excess of eighty percent is:

(i) Covered through acquisition of private mortgage or equivalent type insurance provided by an insurer acceptable to the credit union; or

(ii) Insured or guaranteed, or subject to advance commitment to purchase, by an agency of the federal government, state, or any of its political subdivisions;

In no case may the LTV ratio exceed ninety-five percent;

(c) In the case of a member business loan secured by collateral on which the credit union will have a second or lesser priority lien, you may not grant the loan(s) with a LTV ratio in excess of eighty percent; and

(d) In the case of member business loans secured by the same collateral:

(i) On which the credit union will have a first lien as well as other lesser priority liens, you may grant the loans with a LTV ratio in excess of eighty percent only if subsection (b)(i) or (ii) of this section is satisfied. In no case may the LTV ratio exceed ninety-five percent; and

(ii) On which the credit union will have lesser priority liens but no first lien, you may not grant the loans with a LTV ratio in excess of eighty percent.

(2) Unless the director grants a waiver, principals must provide their personal liability and guarantee, other than:

(a) Principals of a not-for-profit organization as defined by the Internal Revenue Code (26 U.S.C. 501);

(b) Principals of a nonnatural person that is the borrower on a credit card line of credit that is limited to routine purposes normally made available under such lines of credit;

(c) Principals of publicly held corporations or partnerships;

(d) Persons holding minority interests, unless no one person holds a majority interest; and

(e) Principals of a borrower on an income property loan with a LTV ratio no greater than sixty percent and a debt service coverage of at least one and one-quarter percent.

NEW SECTION

WAC 208-460-070 How much may a member or associated members borrow? Unless the director grants a waiver for a higher amount, the aggregate amount of outstanding member business loans to a member or associated members may not exceed the greater of:

(1) Fifteen percent of the credit union's net worth; or

(2) One hundred thousand dollars.

NEW SECTION

WAC 208-460-080 How do you calculate the aggregate fifteen percent limit? (1) Step 1. Calculate the numerator by adding together the amount of the member business loans to the member and associated members (if any). From this amount, subtract any portion:

(a) Secured by shares or deposits in the credit union making the extension of credit or in other credit unions, or by deposits in other financial institutions;

(b) Insured or guaranteed by any agency of the federal government, state, or any of its political subdivisions; or

(c) Subject to an advance commitment to purchase by any agency of the federal government, state, or any of its political subdivisions.

(2) Step 2. Divide the numerator by net worth.

NEW SECTION

WAC 208-460-090 What waivers are available? You may seek a waiver for a type of member business loan in the following areas:

(1) Development and construction loan requirements under WAC 208-460-030;

(2) Loan-to-value ratios under WAC 208-460-060(1);

(3) Requirement for personal liability and guarantee under WAC 208-460-060(2);

(4) Maximum loan amount to a member and associated members under WAC 208-460-070; and

(5) Appraisal requirements under Section 722.3 of NCUA rules.

NEW SECTION

WAC 208-460-100 How do you obtain a waiver? (1)

To obtain a waiver under WAC 208-460-090, a credit union must submit its request to the director. The waiver request must contain the following:

- (a) A copy of your member business loan policy;
- (b) The higher limit sought (if applicable);
- (c) An explanation of the need to raise the limit (if applicable);
- (d) Documentation supporting your ability to manage this activity; and
- (e) An analysis of the credit union's prior experience making member business loans, including, as a minimum:
 - (i) The history of loan losses and loan delinquency;
 - (ii) Volume and cyclical or seasonal patterns;
 - (iii) Diversification;
 - (iv) Concentrations of credit to a member and associated members in excess of fifteen percent of net worth;
 - (v) Underwriting standards and practices;
 - (vi) Types of loans grouped by purpose and collateral; and
 - (vii) The qualifications of personnel responsible for underwriting and administering member business loans.

(2) The director will:

- (a) Review the information you provided in your request;
- (b) Evaluate the level of risk to your credit union;
- (c) Consider your credit union's historical CAMEL composite and component ratings;
- (d) Notify you whenever your waiver request is deemed complete; and
- (e) Notify you of the action taken within forty-five calendar days of receiving a complete request.

(3) In connection with a waiver request under WAC 208-460-090 (1) through (4):

(a) The waiver is not effective until the director approves it;

(b) If you do not receive notification within forty-five calendar days after the date the complete request was received by the director, the waiver request is deemed approved by the director; and

(c) The director will promptly notify Region VI of the NCUA of his or her decision on the request.

(4) In connection with a waiver request under WAC 208-460-090(5):

(a) If the director approves the request, the director will promptly forward the request to Region VI of the NCUA for decision under NCUA rules at 12 C.F.R. 723.12;

(b) The waiver is not effective until the regional director of the NCUA approves it in accordance with NCUA rules at 12 C.F.R. 723.12; and

(c) The credit union may appeal the regional director's decision in accordance with NCUA rules at 12 C.F.R. 723.13.

NEW SECTION

WAC 208-460-110 How do I classify member business loans so as to reserve for potential losses? Nondelinquent member business loans may be classified based on factors such as the adequacy of analysis and supporting docu-

mentation. You must classify potential loss loans as either substandard, doubtful, or loss. The criteria for determining the classification of loans are:

(1) **Substandard.** A substandard loan is inadequately protected by the current sound worth and paying capacity of the obligor or of the collateral pledged, if any. The loan must have a well-defined weakness or weaknesses that jeopardize the liquidation of the debt. It is characterized by the distinct possibility that the credit union will sustain some loss if the deficiency is not corrected. Loss potential, while existing in the aggregate amount of substandard loans, does not have to exist in individual loans classified substandard;

(2) **Doubtful.** A loan classified doubtful has all the weaknesses inherent in one classified substandard, with the added characteristic that the weaknesses make collection or liquidation in full, on the basis of currently existing facts, conditions, and values, highly questionable and improbable. The possibility of loss is extremely high, but because of certain important and reasonably specific pending factors which may work to the advantage and strengthening of the loan, its classification as an estimated loss is deferred until its more exact status may be determined. Pending factors include: Proposed merger, acquisition, or liquidation actions; capital injection; perfecting liens on collateral; and refinancing plans; and

(3) **Loss.** A loan classified loss is considered uncollectible and of such little value that its continuance as a loan is not warranted. This classification does not necessarily mean that the loan has absolutely no recovery or salvage value, but rather, it is not practical or desirable to defer writing off this basically worthless asset even though partial recovery may occur in the future.

NEW SECTION

WAC 208-460-120 How much must I reserve for potential losses? The following schedule sets the minimum amount you must reserve for classified member business loans:

Classification	Amount Required
Substandard	10% of outstanding balance unless other factors (for example, history of such loans at the credit union) indicate a greater or lesser amount is appropriate.
Doubtful	50% of the outstanding balance.
Loss	100% of the outstanding balance.

NEW SECTION

WAC 208-460-130 What is the aggregate member business loan limit? The aggregate limit on the amount of a credit union's member business loans is the lesser of:

(1) One and three quarters times the credit union's net worth; or

(2) Twelve and one quarter percent of the credit union's total assets.

NEW SECTION

WAC 208-460-140 Are there any exceptions to the aggregate MBL limit? (1) Credit unions that meet any one of the following four criteria qualify for an exception from the aggregate member business loan limit in WAC 208-460-130:

- (a) Credit unions that have a low-income designation;
- (b) Credit unions that participate in the Community Development Financial Institutions program;
- (c) Credit unions that are chartered for the purpose of making member business loans, as supported by documentary evidence, such as the credit union's charter, bylaws, business plan, field of membership, board minutes and loan portfolio; and
- (d) Credit unions that have a recent history of primarily making member business loans, established by the fact that the outstanding balance of member business loans comprises:
 - (i) At least twenty-five percent of the outstanding balance of the credit union's loans; or
 - (ii) The largest portion of the outstanding balance of the credit union's loans.

Such facts must be evidenced in an NCUA call report or any equivalent documentation, such as financial statements, for a period within two years before the date of application. For example, a credit union qualifies for the exception under subsection (d)(ii) of this section if, based on the outstanding balance of a credit union's loans, the credit union's loan portfolio is comprised of twenty-three percent member business loans, twenty-two percent first mortgage loans, twenty-two percent new automobile loans, twenty percent credit card loans, and thirteen percent total other real estate loans.

(2) Unless the director gives his or her prior consent, a credit union granted an exception from the aggregate MBL limit may not make MBL in excess of the greater of:

- (a) Twelve and one quarter percent of the credit union's total assets; or
- (b) Three hundred percent of the credit union's net worth.

NEW SECTION

WAC 208-460-150 How do I obtain an exception? (1) The exception under WAC 208-460-140 (1)(a) and (b) is effective upon written notice to the director of such designation or participation.

(2) To obtain an exception under WAC 208-460-140 (1)(c) or (d), a credit union must submit its request to the director. An exception is not effective until it is approved by the director. The exception request must include documentation demonstrating that the credit union meets the criteria for one of the exceptions. The exception does not expire unless revoked for safety and soundness reasons by the director.

(3) The director will promptly notify Region VI of the NCUA of his or her decision on the request.

NEW SECTION

WAC 208-460-160 What are the recordkeeping requirements? You must separately identify member busi-

ness loans in your records and in the aggregate on your financial reports.

NEW SECTION

WAC 208-460-170 Definitions. For purposes of this chapter, the following definitions apply:

- (1) The "amount" of a MBL includes:
 - (a) Any unfunded commitment to make the loan;
 - (b) The outstanding balance of the loan; and
 - (c) Any undisbursed proceeds of the loan.
- (2) A person is "associated" with another if they have a shared ownership, investment, or other pecuniary interest in a business or commercial endeavor.
- (3) A "business purpose" loan means a loan where the borrower intends to use the proceeds for any of the purposes listed in WAC 208-460-010(1).
- (4) "Development or construction loan" is a financing arrangement for acquiring real property or rights to real property, including land or structures, with the intent to develop or improve it for:
 - (a) Residential housing for sale;
 - (b) Income property;
 - (c) Commercial use;
 - (d) Industrial use; or
 - (e) Similar uses.
- (3) "Immediate family member" is a spouse or other family member living in the same household.
- (4) "Loan-to-value ratio" or "LTV ratio" is derived by dividing:
 - (a) The amount of all member business loans by the credit union and loans by other lenders secured by an item of collateral, by
 - (b) The market value of the item of collateral.
- (5) "Member business loan" or "MBL" is defined in WAC 208-460-010.
- (6) "NCUA" means the National Credit Union Administration.

(7) "Net worth" is retained earnings as defined under Generally Accepted Accounting Principles. Retained earnings normally includes undivided earnings, regular reserves and any other appropriations designated by management or regulatory authorities. Net worth does not include the allowance for loan and lease losses.

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

NEW SECTION

WAC 208-460-180 Effective date. This chapter will take effect beginning on the date that the board of the NCUA determines that Washington state-chartered credit unions are exempt from NCUA's member business loan rules pursuant to 12 C.F.R. 723.20.

AMENDATORY SECTION (Amending WSR 97-23-071, filed 11/19/97, effective 3/19/98)

WAC 208-444-050 ((Effective date.)) Update of additional powers, ((WAC 208-444-020, 208-444-030, and 208-444-040 will take effect on the date that these rules are determined by the Board of the National Credit Union Administration (NCUA) to be substantially equivalent to NCUA rules.)) (1) Notwithstanding any other provision of law, and in addition to all powers and authorities, express or implied, that a credit union has under the laws of this state, a credit union has the powers and authorities that a federal credit union had on December 31, 1993, or a subsequent date not later than (the effective date of this rule).

(2) The restrictions, limitations, and requirements applicable to specific powers or authorities of federal credit unions apply to state credit unions exercising those powers or authorities permitted under this section but only insofar as the restrictions, limitations, and requirements relate to the specific exercise of the powers or authorities granted state credit unions solely under this section.

(3) State credit unions exercising a power or authority under this section or RCW 31.12.404(1) should be:

(a) Knowledgeable about the power or authority under federal law and applicable restrictions, limitations, and requirements in federal law; and

(b) Be able to respond to examiners' questions with citations to the sources of the power or authority and applicable restrictions, limitations, and requirements.

(4) As used in this section, "powers and authorities" include without limitation powers and authorities in corporate governance matters.

WSR 00-16-034

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 25, 2000, 8:32 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, including but not limited to WAC 308-93-086, 308-93-087, and 308-93-660, disclosure of names and addresses of lists for vessel owners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide guidance on public disclosure access to lists of vessel owner name and address information.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services,

Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

July 24, 2000
Deborah McCurley, Administrator
Title and Registration Services

WSR 00-16-042

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 26, 2000, 8:31 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, General provisions for vessel subject to and exempt from titling. To include but not limited to WAC 308-93-140 and 308-93-145.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070 and 88.02.100.

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

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

Process for Developing New Rule: Negotiated rule making.

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

July 25, 2000
D. McCurley, Administrator
Title and Registration Services

WSR 00-16-044

**PREPROPOSAL STATEMENT OF INQUIRY
LOTTERY COMMISSION**

[Filed July 26, 2000, 9:13 a.m.]

Subject of Possible Rule Making: Retailer licensing.

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 amending and/or repealing and/or adding retailer rules found in chapter 315-04 WAC to require retailer compliance with accessibility guidelines for persons with disabilities.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

July 25, 2000
Mary Jane Ferguson
Rules Coordinator

WSR 00-16-047

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 26, 2000, 3:28 p.m.]

Subject of Possible Rule Making: Chapter 16-478 WAC, European corn borer quarantine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 17.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule was last modified in 1951, and changed industry and program conditions make evaluation of existing provisions desirable. The rule may be updated to reflect current conditions. It may also be modified to clear and readable format.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA APHIS administers federal quarantine rules regarding international movement of European corn borer host material. However, USDA does not exercise jurisdiction over interstate movement of potentially infested commodities.

Individual states administer a network of European corn borer regulations, and copies of draft rules will be distributed for review to affected states.

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposed rule change with affected government agencies and stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094; or Linda Polzin, Pest Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094.

July 26, 2000
Mary A. Martin Toohey
Assistant Director

WSR 00-16-048

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 26, 2000, 3:29 p.m.]

Subject of Possible Rule Making: Rules relating to onion white rot quarantine in chapter 16-470 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 17.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing sections of rule pertaining to onion white rot were last modified in 1985. Changed industry and program conditions make evaluation of the provisions desirable. The rule may be updated to reflect current conditions. It may also be modified to clear and readable format.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies deal with onion white rot quarantine.

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposals for rule changes with stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

July 26, 2000
Mary A. Martin Toohey
Assistant Director

WSR 00-16-049

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 26, 2000, 3:31 p.m.]

Subject of Possible Rule Making: Rules relating to gypsy moth quarantine in chapter 16-470 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 17.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing sections of rule pertaining to gypsy moth quarantine were last modified in 1986 and 1984. Changed industry and program conditions make evaluation of existing provisions desirable. The rule may be updated to reflect current conditions. It may also be modified to clear and readable format.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA APHIS administers federal quarantine rules regarding international and domestic movement of gypsy

moth host material and conveyances. However, as a practical matter USDA leaves the administration of interstate quarantine activities to state programs. Individual states administer a network of gypsy moth regulations, and copies of draft rules will be distributed for review to affected states.

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposed rule change with affected government agencies and stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094; or Linda Polzin, Pest Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094.

July 26, 2000

Mary A. Martin Toohey
Assistant Director

WSR 00-16-050

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 26, 2000, 3:32 p.m.]

Subject of Possible Rule Making: Rules relating to Japanese beetle quarantine in chapter 16-470 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 17.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing sections of rule pertaining to Japanese beetle were last modified in 1990, before development of the current version of the United States domestic Japanese beetle harmonization plan, a voluntary agreement negotiated among the state plant health regulatory agencies and USDA. The plan eases interstate trade in plant materials and decreases chances of spreading Japanese beetle by creating a consistent framework for individual states' quarantine rules. The rule may be updated to comply more specifically with this plan, to acknowledge changes in industry and program practices, and to acknowledge further spread of the insect to additional states. It should also be modified to clear and readable format.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA APHIS administers federal quarantine rules regarding interstate movement of aircraft from airports in Japanese beetle infested areas and regarding movement of potentially infested commodities internationally. However, USDA does not exercise jurisdiction over interstate movement of potentially infested commodities such as soil or nursery stock or other domestic issues. The rule is intended to complement federal efforts to prevent spread of Japanese beetle. Proposed text will be circulated to cooperating agencies for review.

Process for Developing New Rule: Washington State Department of Agriculture representatives discuss proposed rule changes with affected government agencies and stakeholders and then publish the rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094; or Linda Polzin, Pest Program Manager, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2071, fax (360) 902-2094.

July 26, 2000

Mary A. Martin Toohey
Assistant Director

WSR 00-16-051

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Assistance Programs)

[Filed July 26, 2000, 3:33 p.m.]

Subject of Possible Rule Making: Chapter 388-418 WAC, Change of circumstances. This WAC chapter will be revised to clarify what changes have to be reported and when clients must report them.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment of this rule will ensure that both staff and clients understand the rules about change reporting.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Veronica Barnes, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3071, fax (360) 413-3493, TTY (360) 413-3001.

July 25, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-16-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Assistance Programs)
[Filed July 26, 2000, 3:35 p.m.]

Subject of Possible Rule Making: WAC 388-450-0070 A child's earned income. This WAC will be amended to include the food assistance requirement that the student live with a parent or be under parental control in order to qualify for the exemption. The cash assistance portion will also be changed to reflect the language of RCW and remove obsolete references to 185% of the need standard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment of this rule will ensure that the policy meets state and federal regulations in order to prevent any payment errors that could occur.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Veronica Barnes, Program Manager, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, (360) 413-3071, fax (360) 413-3493, TTY (360) 413-3001.

July 25, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-16-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 26, 2000, 3:37 p.m.]

Subject of Possible Rule Making: Amending WAC 388-452-0005 Interview requirements, to incorporate information about when to approve an alternative type of interview.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will standardize when an alternative interview should be granted, provide bet-

ter consistency in the application of the policy, and improve client service.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rule. Anyone interested in participating should contact the staff person below. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making and send a copy to everyone currently on the mailing list and to anyone else who requests a copy. DSHS will consider all comments. The Economic Services Administration's regulatory improvement team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicky Robinson, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3031, fax (360) 413-3493, e-mail ROB-INVNT@DSHS.WA.GOV.

July 25, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-16-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 26, 2000, 3:38 p.m.]

Subject of Possible Rule Making: Amending WAC 388-470-0075 How vehicles are counted for food assistance, to include vehicles as inaccessible resources, by excluding those vehicles with a value that is less than one-half of the applicable resource limit for the household.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many working families formerly resource ineligible due to the fair market value of a vehicle may, under the new interpretation of inaccessible resources, be eligible to receive food assistance benefits. Families will no longer have to sacrifice nutritional needs in order to own a reliable vehicle that is helping the family achieve self-sufficiency.

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

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

comments. The Economic Services Administration's regulatory improvement team (RIT) will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicky Robinson, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3031, fax (360) 413-3493, e-mail ROB-INVT@DSHS.WA.GOV.

July 25, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-16-069

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Order 00-03—Filed July 28, 2000, 10:52 a.m.]

Subject of Possible Rule Making: Amend WAC 182-12-119 and 182-12-132 to streamline administration of the retiree program and clarify "dependent children."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A rule change will increase flexibility for retirees enrolled in the PEBB insurance program, including allowing them to waive PEBB coverage for other employer sponsored insurance coverage, and return to PEBB with proof of continuous coverage. Rules may be developed to clarify the definition of "dependent children."

Process for Developing New Rule: Public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mich'l Needham, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2 [98504-2700], phone (360) 923-2735, fax (360) 923-2602.

July 27, 2000

Melodie Bankers
Rules Coordinator

WSR 00-16-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

(Board of Registration for Professional Engineers and Land Surveyors)

[Filed July 28, 2000, 11:21 a.m.]

Subject of Possible Rule Making: Changes to chapter 196-12 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2633, chapter 172, Laws of 2000, change the requirements to receive a certificate of registration as a structural engineer. WAC 196-12-020(3) must be amended to make the language consistent

with the new wording in the law. In addition, the board will propose language to streamline the examination review process.

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. Persons may comment by mail, fax or phone to Rick Notestine, Project Director, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2551, phone (360) 664-1578. Draft language of any rule changes will be distributed to the board's mailing list.

July 28, 2000

George A. Twiss
Executive Director
Board of Registration for
Professional Engineers and
Land Surveyors

WSR 00-16-092

PREPROPOSAL STATEMENT OF INQUIRY LOTTERY COMMISSION

[Filed July 31, 2000, 2:50 p.m.]

Subject of Possible Rule Making: Retailer licensing.

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 revising, amending and/or repealing rules within chapter 315-04 WAC and other WACs as necessary, in addition to adding new rules, applicable to retailer compensation.

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 Mary Jane Ferguson, Rules Coordinator, at (360) 664-4833, fax (360) 586-6586, P.O. Box 43025, Olympia, WA 98504-3025, with any comments or questions regarding this statement of intent.

July 31, 2000

Mary Jane Ferguson
Rules Coordinator

WSR 00-16-101

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed August 1, 2000, 1:12 p.m.]

Subject of Possible Rule Making: Chapter 204-91A WAC, Towing businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.55.050, 46.61.567.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: They will clarify the hearings process for applicants, clarify business hours and storage, and add safety measures for towers and the public.

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 Ms. Carol Morton, Washington State Patrol, P.O. Box 42614, Olympia, WA 98504, phone (360) 753-3697, fax (360) 586-8233.

July 26, 2000

Annette M. Sandberg
Chief

WSR 00-16-104

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 2, 2000, 8:34 a.m.]

This is a request to withdraw WAC 246-25-990 which was filed January 28, 1999, and published in WSR 99-04-050. This rule was intended to establish new fees for anti-trust reviews. The passage of Initiative 695 in November of 1999 requires all new or increased fees to be voted on by the public. In addition, the Governor's Directive 00-02, discourages agencies from increasing fees. For these reasons, WAC 246-25-990 will not go forward as intended at this time.

Individuals requiring information on WAC 246-25-990 should contact Jan Sigman, Program Manager, at (360) 705-6631.

M. C. Selecky
Secretary

WSR 00-16-105

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 2, 2000, 8:34 a.m.]

This memo serves as notice that the department is withdrawing the CR-101 for chapter 246-246 WAC which was filed April 19, 1994, and published in WSR 94-09-041. The original proposal was to develop a rule for clean-up standards for sites where radioactive materials were present. Since the filing of WSR 94-09-041, the department incorporated federal regulations through another rule development process that achieve[s] this [the] same goal. For this reason, the CR-101 for chapter 246-246 WAC is no longer needed.

Individuals requiring information on this rule should contact Terry Frazee, Radioactive Materials Program Manager, at (360) 236-3221.

M. C. Selecky
Secretary

WSR 00-16-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 2, 2000, 8:35 a.m.]

Subject of Possible Rule Making: The department is exploring the possibility of rule making to address patient exposure limits, quality assurance standards for x-ray film processors, updating rules to reflect current national standards, and clarifying and streamlining existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.98 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Following the lead of the FDA in mammography, the department will be addressing a public health concern regarding exposure limits for patients and quality in x-ray film processing. Also, the rule needs to be updated to reflect recent changes in national standards. The department's rule review, as required by Executive Order 97-02, indicated the necessity to revise these rules for clarity and more usability.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate any rule revision with federal laws and regulations applicable to x-ray.

Process for Developing New Rule: The department will recruit interested people to assist in rule development and rule writing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will use workgroups to discuss the implications of developing rules and to develop rule language. Anyone interested in participating in a workgroup should contact Mike Odlaug at (360) 236-3237 (Olympia) or writing him at X-ray Control, Department of Health, P.O. Box 47827, Olympia, WA 98504-7827.

July 24, 2000

M. C. Selecky
Secretary

WSR 00-16-112

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 2, 2000, 9:23 a.m.]

Subject of Possible Rule Making: Migrate diversion cash assistance (DCA), WAC 388-222-001, 388-222-010, and 388-222-020 into new WAC 388-432-0005.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A section on diversion cash assistance was not included in the Eligibility A-Z Manual.

The purpose of this rule is to migrate the rules for diversion cash assistance to a single WAC chapter that will be included in the Eligibility A-Z Manual. Although there are no policy changes for this rule, it will be rewritten with the intention to be clearer for clients.

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

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

August 1, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 00-16-136

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Basic Health Plan)

[Order 00-05—Filed August 2, 2000, 10:54 a.m.]

Subject of Possible Rule Making: Revise WAC 182-25-020 to remove references to specific benefits and to reflect changes in the waiting period for coverage of preexisting conditions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The waiting period for treatment of a preexisting condition needs to be changed to nine months, rather than three, to reflect contract agreements with managed health care systems.

Mental health, chemical dependency, and organ transplant benefits are not required benefits. Amending this rule will allow the flexibility to change them if necessary. Members will continue to be informed of benefits through the certificate of coverage and other member materials.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: Stakeholder mailings and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rosanne Reynolds, Basic Health, P.O.

Box 42683, Olympia, WA 98504-2683, phone (360) 923-2948, fax (360) 412-4276.

August 1, 2000
Melodie Bankers
Rules Coordinator

WSR 00-16-137

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 10:57 a.m.]

Subject of Possible Rule Making: WAC 390-13-010
Optional format for requests for lists of individuals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule provides for an optional format for affidavits from person making requests for public records containing lists of individuals. The sample affidavit contains a provision regarding hold harmless agreements.

Attorney General Opinion 1988 No. 12 provides that a public agency may not seek a hold harmless agreement from a requester of public records. This proposed amendment would eliminate the hold harmless agreement section (item number 7) for affidavits from persons making requests for public records containing lists of individuals.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-13-010. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000

V. Rippie
Executive Director

WSR 00-16-138

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 10:59 a.m.]

Subject of Possible Rule Making: WAC 390-16-012
Registration statement for candidates—Form C-1.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6775 amended the provision that relates to public inspection of campaign books during the eight days before an election as found in RCW 42.17.080. For many years, candidates and political committees that receive contributions or make expenditures in an election have been required to have their campaign books open for public inspection. As of June 8, 2000, candidates and political committees need to have their campaign books open as follows: On the eighth day before the election, excluding legal holidays, for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m. On the other weekdays by appointment between 8 a.m. and 8 p.m.

The candidate registration form needs to be changed to implement this statutory amendment.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-16-012 and the C-1 form. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach, Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-139
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 11:01 a.m.]

Subject of Possible Rule Making: WAC 390-20-0101 Forms for lobbyist registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Lobbyist Registration Form (PDC Form L-1) provides the public with information on lobbyists who are compensated, the type of lobbying involved, and the areas of interest being lobbied. The L-1 form has not been revised since March of 1991 and lobbyist contact information needs to be updated.

Currently only a permanent and temporary telephone number are requested. Amendments would include e-mail address, business telephone and cell telephone on the registration form, and encourage the use of business addresses and telephone numbers rather than the use of a lobbyist's personal home information.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-20-0101. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-140
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 11:02 a.m.]

Subject of Possible Rule Making: WAC 390-16-044 Statewide ballot issue signature gathering expenses; reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Consistent with the 9th Circuit Court of Appeals decision in *(WIN) Washington Initiatives Now v. Vicki Rippie* the commission will consider repealing WAC 390-16-044 since both the statutory language in RCW 42.17.090 (1)(g) and the rule have been found to violate the First Amendment.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with repealing WAC 390-16-044. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach

Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-141

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed August 2, 2000, 11:02 a.m.]

Subject of Possible Rule Making: Reporting of field trips and other excursions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 42.17.170 requires registered lobbyists to file periodic reports disclosing lobbying expenditures. The monthly report must include a listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010 (9)(d) and (f) made to a state elected official, state officer, or state employee.

RCW 42.17.241 requires state elected officials, executive state officers and candidates to list each occasion, specifying date, donor and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5) and items specified in RCW 42.52.010 (9)(d) and (f).

The proposed rule would clarify the reporting requirements for field trips and other excursions as outlined in PDC Interpretation Number 00-01 adopted on April 25, 2000.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with the new rule. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-142

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed August 2, 2000, 11:03 a.m.]

Subject of Possible Rule Making: WAC 390-18-010 Political advertising, identification of sponsor.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 397, Laws of 1995 (ESSB 5684) changed the language in RCW 42.17.510 eliminating the need for sponsor identification to be in a printed or drawn box for written political advertising and to have the sponsor identification appear on each page of the advertising.

A proposed rule amendment would mirror this 1995 statutory language and may include language emphasizing that RCW 42.17.505 - [42.17.]550 apply to political advertising appearing on the Internet.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-18-010. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-143

**PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION**

[Filed August 2, 2000, 11:04 a.m.]

Subject of Possible Rule Making: Access goals to campaign and lobbying reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6775 requires the commission to establish goals regarding prompt availability of all reports, copies of reports, or copies of the data or information included in reports filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180.

The proposed rule would establish goals for 2001 and 2002 as required under SB 6775.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with the new rule. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-144

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 11:04 a.m.]

Subject of Possible Rule Making: Commercial loans to a candidate or candidate's committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 42.17.720 places restrictions on loans to candidates for public office and candidate political committees.

A rule would clarify under what circumstances commercial loans to a candidate or a candidate's authorized committee is not subject to contribution limits under RCW 42.17.640 and that repayment of commercial loans to a candidate by a candidate's authorized committee is subject to the maximum allowed by section .125(3).

A proposed rule would be based on PDC Interpretation 96-02 on Commercial Loans to a Candidate and with Attorney General Opinion 2000 Number 4.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with the new rule. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-145

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 11:05 a.m.]

Subject of Possible Rule Making: WAC 390-24-010 Forms for statement of financial affairs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule amendment would change the PDC Form F-1 to eliminate the need for filers to identify dependent children who are not employed and do not have other reportable assets or liabilities.

Other possible changes to the F-1 form may be identified through the rule-making process.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-24-010. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000
V. Rippie
Executive Director

WSR 00-16-146

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 11:06 a.m.]

Subject of Possible Rule Making: WAC 390-24-020 Forms for amending statement of financial affairs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule amendment would change the PDC form F-1A to eliminate the need for filers to identify dependent children who are not employed and do not have other reportable assets or liabilities.

Other possible changes to the F-1A form may be identified through the rule-making process.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-24-020. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000

V. Rippie

Executive Director

WSR 00-16-147

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed August 2, 2000, 11:07 a.m.]

Subject of Possible Rule Making: WAC 390-16-011 Registration statement for political committees—Form C-1pc.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6775 amended the provision that relates to public inspection of campaign books during the eight days before an election as found in RCW 42.17.080. As of June 8, 2000, candidates and political committees that receive contributions or make expenditures in an election need to have their campaign books open for inspection as follows: On the eighth day before the election, excluding legal holidays, for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m. On the other weekdays by appointment between 8 a.m. and 8 p.m.

The political committee registration form needs to be changed to implement this statutory amendment.

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

Process for Developing New Rule: At its meeting on August 22, 2000, the commission is expected to discuss whether to move forward with amending WAC 390-16-011 and the C-1pc form. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by August 21, 2000, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the PDC Director of Public Outreach Doug Ellis, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 24, 2000.

August 2, 2000

V. Rippie

Executive Director

WSR 00-16-152

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 2, 2000, 11:34 a.m.]

Subject of Possible Rule Making: Independent mental health examinations for crime victims under the crime victims compensation program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.68.030, 51.32.110, 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on input from victims, providers and crime victim advocates the crime victims compensation program proposes rules establishing criteria or independent mental health examinations of crime victims. The program currently uses rules under the workers compensation program. Under the proposed rules victims will be better served with evaluations from providers with experience and training in crime victim issues.

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

Process for Developing New Rule: Crime victims compensation staff and stakeholder groups (Crime Victims Compensation Advisory Committee, Crime Victims Compensation Mental Health Advisory Committee).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cletus Nnanabu, CVC Program Manager, P.O. Box 44520, Olympia, WA 98504-4520, phone (360) 902-5340, fax (360) 902-5333, e-mail nnan235@lni.

wa.gov. Other opportunities to comment: Public hearing (to be scheduled).

August 2, 2000
Gary Moore
Director

writing, contact Jim French, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8615, fax (360) 753-1594, e-mail Jim.French@parks.wa.gov.
August 2, 2000
Jim French
Senior Policy Advisor

WSR 00-16-157
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed August 2, 2000, 11:50 a.m.]

Subject of Possible Rule Making: Title 352 WAC, Parks and Recreation Commission, all chapters in this title are subject to revision to update references to the recodified Title 79A RCW: Chapter 352-04 WAC Policy—Meetings and delegation; chapter 352-11 WAC, SEPA procedures; chapter 352-12 WAC, Moorage and use of marine and inland water facilities; chapter 352-16 WAC, Naming of state park areas and the land classification system; chapter 352-20 WAC, Use of motor driven vehicles in state parks—Parking restrictions—Violations; chapter 352-24 WAC, Concessions and leases; chapter 352-28 WAC, Tree, plant and fungi cutting, removal and/or disposal; chapter 352-32 WAC, Public use of state park areas; chapter 352-37 WAC, Ocean beaches; chapter 352-40 WAC, Public records; chapter 352-44 WAC, Recreational conveyances—Certification—Inspections—Operator qualifications—Violations, etc.; chapter 352-48 WAC, Snowmobile account grants and contracts; chapter 352-52 WAC, Hostels; chapter 352-56 WAC, Winter recreational program account grants and contracts; chapter 352-60 WAC, Recreational vessel equipment and operation; chapter 352-64 WAC, The state recreational boating safety funding program; chapter 352-65 WAC, Boating safety program approval; chapter 352-66 WAC, Uniform waterway marking system; chapter 352-67 WAC, Vessel sound level measurement procedures; chapter 352-68 WAC, Water trail programs; chapter 352-70 WAC, Boating accident and casualty reports; chapter 352-74 WAC, Filming within state parks; chapter 352-75 WAC, Boat sewage pumpout contract program; and chapter 352-76 WAC, Clean vessel program funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title 79A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1999 legislature recodified all statutes authorizing the state Parks and Recreation Commission authority into Title 79A RCW. Commission intends to update all statutory references in each chapter in Title 352 WAC to reflect the recodification of Title 79A RCW.

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

Process for Developing New Rule: Standard amendments will be clerical only to reflect statutory recodification.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To request additional information or to comment in



NO EXPEDITED REPEALS FILED IN THIS ISSUE

EXPEDITED REPEAL

WSR 00-14-041
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 30, 2000, 9:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-124.

Title of Rule: All rules relating to elevators and other conveyances (chapters 296-81, 296-82, 296-84, 296-85, 296-87, 296-89, 296-91, 296-93A, 296-94, 296-95, and 296-100 WAC).

Purpose: All rules relating to elevators and other conveyances (chapters 296-81, 296-82, 296-84, 296-85, 296-87, 296-89, 296-91, 296-93A, 296-94, 296-95, and 296-100 WAC).

This rule making was a comprehensive clear rule write of all the rules relating to elevators and other conveyances. The purpose of this rule making is to:

- Rewrite, reorganize, and combine all of the existing rules relating to elevators and other conveyances in one location and in a more usable format as directed in the department's August 1997 rule review plan (in response to the Governor's Executive Order 97-02 on Regulatory

Improvement) in order to make them easier to understand;

- Make clarifying and housekeeping changes;
- Adopt either by reference or without material change national consensus codes;
- Separate the requirements for inclined private residence conveyances for transporting people and property into two parts - inclined private residence elevators for transporting person(s) and inclined private residence elevators for transporting property in order to clarify the differences and provide the appropriate level of safety for the two different types of elevators;
- Implement requirements authorized by statute (e.g. specified when inspections of private residence conveyances are performed and when they are not necessary and implement a penalty structure for failure to notify corrections on all conveyances); and
- Incorporate necessary policy (and current practice) into rule as directed by the Governor's Executive Order 97-02 on Regulatory Improvement.

CHANGES TO THE RULES: This rule making will repeal all of the rules relating to conveyances (chapters 296-81, 296-82, 296-84, 296-85, 296-87, 296-89, 296-91, 296-93A, 296-94, 296-95, and 296-100 WAC) [replacing] them with new chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances.

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CURRENT WAC(s)	PROPOSED NEW WAC(s)	SUMMARY OF CHANGES
	Part A - Administrative	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
	WAC 296-96-00500 Scope, purpose, and authority.	Added a section to clarify and describe the scope, purpose, and authority of the proposed new rules.
	WAC 296-96-00600 What rules apply to your conveyance?	Added a section to clarify that conveyances must comply with the rules in effect at the time the conveyance was permitted unless any new rule specifically states that it applies to all elevators, regardless of when the elevator was permitted. Also, noted that if the elevator is altered it must comply with all of the applicable rules adopted by the department.
WAC 296-81-005 National elevator codes adopted, 296-81-006 National elevator code adopted—1967, 296-81-007 National elevator code adopted, 296-81-008 National elevator code supplement adopted, 296-81-009 National safety standard for manlifts adopted , 296-81-200 Adoption of elevator codes.	WAC 296-96-00650 Which National elevator codes and supplements has the department adopted?	Created a chart for easier use and understanding of the national codes adopted by the department. Also, added the national elevator codes adopted by the department.
	WAC 296-96-00700 Chapter definitions.	Added a section to define terms necessary for use with this chapter to include definitions which are currently in chapter 70.87 RCW.

WAC 296-81-990 Advisory board.	WAC 296-96-01075 Advisory committee on conveyances.	Clarified the section to make it easier to understand and changed the word "board" to committee to reconcile the difference between the WAC and chapter 70.87 RCW.
	Part B - Regulations and Fees for All Elevators, Dumbwaiters, Escalators and Other Conveyances.	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
	WAC 296-96-01000 What is the permit process for owning a conveyance?	Added this section to clarify and provide an overview of the complete process of owning a conveyance, from plan approval to annual operating permit.
WAC 296-86A-010 Do I need a permit to construct, alter or relocate a conveyance?	WAC 296-96-01005 When do I need a permit?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-020 When I apply for my construction, alteration or relocation permit, what permit fees will I have to pay?	WAC 296-96-01010 What are the permit fees and how are they calculated?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-025 When I apply for my material lift installation, alteration or relocation permit, what permit fees will I have to pay?	WAC 296-96-01015 What are the permit fees for material lifts and how are they calculated?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-030 What installation permit fees will I have to pay for personnel and material hoists?	WAC 296-96-01025 What is the permit fee for personnel and material hoists?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-028 Are the construction and alteration permit fees that I pay refundable?	WAC 296-96-01027 Are permit fees refundable?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-040 Do I need to submit my plans for new installations and alterations to the department for approval?	WAC 296-96-01030 What is the process for installation and alteration plan approval?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-065 Can I replace annual operating permits that have been damaged, lost or stolen?		The \$5.00 replacement cost requirement incorporated into fee sections.
WAC 296-86A-075 Do I pay a fee when my conveyance is inspected?	WAC 296-96-01035 Are there inspection fees?	Applied clear rule-writing principles to the section for easier understanding and use. Also, clarified the process for inspection fees and annual operating permits. No change in content.
WAC 296-86A-080 Is there a fee for inspecting regular elevators used as temporary personnel elevators?	WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary personnel elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
	WAC 296-96-01045 What are the inspection requirements for conveyances in private residences?	For clarity, created this separate section for private residence conveyances. Also, incorporated statutory language regarding when inspections of private residence conveyances are performed and when they are not necessary.
WAC 296-86A-070 Can I obtain a supplemental inspection from the department?	WAC 296-96-01050 How do I get a supplemental inspection?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-86A-073 Can I obtain technical services from the department's elevator section?	WAC 296-96-01055 Are technical services available?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-074 Can I request an inspection outside of the department's normal work hours?	WAC 296-96-01060 Can I request an after hours inspection?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-86A-060 What annual operating permit fees will I have to pay?	WAC 296-96-01065 What are the annual operating permits fees?	Made clarifying changes and rewrote the section for easier understanding and use. To improve clarity, moved private residence fees to new section WAC 296-96-01045.
WAC 296-81-991 Civil penalties.	WAC 296-96-01070 Are there penalties?	Made clarifying changes and implemented 1998 amendments to chapter 70.87 RCW by adding a new civil penalty for "failure to submit official written notification that all corrections have been completed."
	Part C - Regulations For New And Altered Elevators And Lifting Devices	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
	NOTE: The following rules set the minimum standard for all new installations and, where applicable, alterations.	Added "NOTE" to clarify that the rules in this part set the minimum standard for all new installations and, where applicable, alterations.
WAC 296-81-240 Valves.	WAC 296-96-02240 Where is a shut-off valve required for hydraulic elevators?	Made clarifying changes to include the requirements where shut off valves are required. Also, to address technological advancements provided more flexibility in the use of safety rupture valves.
WAC 296-81-275 Smoke detectors.	WAC 296-96-02275 What are the requirements for Phase I recall?	Clarified this section for ease of understanding and use; eliminated redundant requirements currently located in the National Fire Protection Agency (NFPA) code; and provided exemptions for the three types of elevators are not subject to Phase I recall requirements: LULA, special purpose, and residential.
WAC 296-81-277 Method to achieve ANSI A17.1-102.2 (c) 4.	WAC 296-96-02277 How does the department enforce ASME requirements for sprinklers, smoke detectors, and heat detectors in hoistways and machine rooms?	Made clarifying changes for ease of understanding and use, to include: Updated code references from ANSI to ASME; added words "machinery space" changed heat detector placement requirements to the NFPA 13 requirement to reflect national consensus standards and to eliminate confusion; added the option that a 120 volt branch circuit may be used in place of the load-side shunting method; and eliminated the requirement for sprinkler shut-off valves.

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	WAC 296-96-02278 Are keys required to be onsite?	Added to inform everyone that keys must be readily available and to recommend that a lock box be installed to provide ready availability of all necessary keys to inspectors at the time of elevator inspection and testing.
WAC 296-81-280 Electric conduit pipes and ducts.	WAC 296-96-02280 Can pipes and ducts be installed above a machine room?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-225 Emergency exits.	WAC 296-96-02281 What is required for emergency escape hatches?	Clarified this section and eliminated redundancy currently located in ASME.
WAC 296-81-290 Underground hydraulic elevator pipes, fittings, and cylinders.		Removed this section because the requirements are located in ASME.
WAC 296-81-300 Operation and leveling.	WAC 296-96-02300 Are self-leveling devices required?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-81-306 Door protective and reopening device.	WAC 296-96-02306 Is a door reopening device required on automatic-closing car doors?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-81-310 Door delay.	WAC 296-96-02310 What is the minimum acceptable initial transfer time for an elevator door?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-81-315 Car interior.	WAC 296-96-2315 What are the structural requirements for car interiors?	Made clarifying changes and rewrote the section for easier understanding and use. Also, added 2nd exception for LULA, special purpose, and residential.
WAC 296-81-320 Car controls.	WAC 296-96-02320 What is required for car controls?	Made clarifying changes and rewrote the section for easier understanding and use. Standard symbol requirements added as they are now required by ASME A17.1.
WAC 296-81-325 Car position indicator signal.	WAC 296-96-02325 What are the location and operation requirements for car position indicators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-81-330 Telephone or intercommunicating system.	WAC 296-96-02330 What is required for installation and operation of emergency communication systems?	Made clarifying changes and rewrote the section for easier understanding and use. Clarifications include: <ul style="list-style-type: none"> • Updated ASME code reference and clarified which edition of the code applies; • Clarified an emergency communication system's capability to locate an elevator car during an emergency; and • Clarified that the emergency communication system must be a line capable of communicating and signaling to a service that can appropriately respond to an emergency.
WAC 296-81-335 Floor covering.		Deleted to eliminate redundancy with ASME A17.1.
WAC 296-81-340 Handrails.	WAC 296-96-02340 What requirements apply to the size and location of car handrails?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

WAC 296-81-345 Minimum illumination.		Deleted to eliminate redundancy with ASME A17.1.
WAC 296-81-350 Door jamb marking.	WAC 296-96-02350 What requirements apply to floor designations on elevator door jambs?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-81-355 Hall buttons.	WAC 296-96-02355 What are the installation and operation requirements for hall buttons?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-81-360 Hall lantern.	WAC 296-96-02360 What are the requirements for installation and operation of hall lanterns?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-710 Lifts for physically handicapped.	WAC 296-96-02365 What is required for physically handicapped lifts?	Included this requirement in this section for ease of use and to explain requirements for lifts used by the physically handicapped. Also, rewrote the section for ease of understanding and use.
WAC 296-93A-010 What is the purpose of this chapter?	Material Lifts WAC 296-96-05010 What is the purpose of the departments rules on material lifts?	Applied clear rule-writing principles to the section for easier understanding and use. Also, added section heading; changed ANSI reference to ASME; and corrected a reference to chapter 296-155 WAC. Otherwise, no change in content.
WAC 296-93A-020 How must a hoistway enclosure be built to ensure proper construction and fire safety?	WAC 296-96-05020 What requirements apply to the construction and fire safety of hoistway enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-030 How must hoistway enclosure gates and doors be constructed?	WAC 296-96-05030 What are the construction requirements for hoistway enclosure gates and doors?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-040 What requirements apply to lift hoistways that do not extend to the lowest levels of a building or structure?	WAC 296-96-05040 What requirements apply to a hoistway that does not extend to the lowest levels of a building or structure?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-050 What requirements apply to lift hoist driving machines?	WAC 296-96-05050 What requirements apply to lift hoist driving machines?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-070 What car enclosure requirements apply to lifts?	WAC 296-96-05070 What car enclosure requirements apply to lifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-080 How much running clearance is permitted between a car sill and a hoistway face?	WAC 296-96-05080 How much running clearance is permitted between a car sill and a hoistway?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-090 What requirements apply to car and counterweight guides?	WAC 296-96-05090 What requirements apply to car and counterweight guides?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-100 How much weight can be placed on a car frame and platform during loading and unloading?	WAC 296-96-05100 How much weight can be placed on a car frame and platform during loading and unloading?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-120 What requirements apply to car operating devices, terminal stopping devices and electrical protective devices?	WAC 296-96-05120 What requirements apply to car operating devices, terminal stopping devices and electrical protective devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-93A-140 What requirements apply to car safeties?	WAC 296-96-05140 What requirements apply to car safeties?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-150 What requirements apply to lift brakes?	WAC 296-96-05150 What requirements apply to lift brakes?	Clarified that that a brake must be mounted on the load side of the driving machine's worm shaft and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-93A-160 What type of ropes, chains and rope connections must be used on a lift?	WAC 296-96-05160 What types of ropes, chains, and rope connections must be used on a lift?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content except to insert a reference to ASME.
WAC 296-93A-170 What requirements apply to lift control stations?	WAC 296-96-05170 What requirements apply to lift control stations?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-190 How must lift pits be constructed?	WAC 296-96-05190 How must lift pits be constructed?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-200 Which lift landings must be illuminated?	WAC 296-96-05200 Which lift landings must be illuminated?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-210 What signs must be posted on landings and lifts?	WAC 296-96-05210 What signs must be posted on landings and lifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-220 What electrical wiring standards apply to the construction of lifts?	WAC 296-96-05220 What electrical wiring standards apply to the construction of lifts?	Clarified that "machinery space" is included with these requirements and changed the NEC reference to reflect that National Electrical Code in effect at the time of installation.
WAC 296-93A-230 What safety regulations apply to exposed equipment?	WAC 296-96-05230 What safety regulations apply to exposed equipment?	Clarified when guarding must be used and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-93A-240 What are the minimum maintenance requirements for lifts?	WAC 296-96-05240 What are the minimum maintenance requirements for lifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-250 Is an installation permit required?		Deleted section to eliminate redundancy.
WAC 296-93A-260 When are inspections of new installations, alterations or relocations required?	WAC 296-96-05260 When are inspections required?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-270 How frequently will lifts be inspected and tested?		Deleted to eliminate redundancy with RCW 70.87.120.
WAC 296-93A-280 When is a material lift operating permit required?		Deleted to eliminate redundancy with WAC 296-96-1060.
WAC 296-93A-290 Under what conditions is a five-year test administered?	WAC 296-96-05290 Under what conditions is a five-year test administered?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-93A-300 When must plans for installations, alterations and relocations be submitted?		Deleted to eliminate redundancy with WAC 296-96-01040.

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WAC 296-93A-330 Is an annual operating permit required for a material lift?		Deleted to eliminate redundancy with WAC 296-96-01060.
	Part C1 - Construction, Operation, Maintenance and Inspection of Inclined Private Residence Conveyance for Transporting Person(s) for Residential Use	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
WAC 296-94-010 Scope.	WAC 296-96-07010 What is the scope of these regulations?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-020 Definitions.	WAC 296-96-07020 What is the definition for inclined private residence elevator?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-030 Approval of plans and specifications.	WAC 296-96-07030 Does the department approve inclined passenger elevator plans and specifications?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-93A-240 What are the minimum maintenance requirements for lifts?	WAC 296-96-07035 What are the minimum maintenance requirements for inclined private residence elevators?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-040 Protection required.	WAC 296-96-07040 What are the clearance requirements for an incline runway?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-050 Landing enclosures and gates—Where required.	WAC 296-96-07050 What are the construction requirements for car landing enclosures and gates?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-060 Bumpers and buffers.	WAC 296-96-07060 What types of bumpers and buffers must be installed on inclined private residence elevators?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-070 Machinery beams and supports.	WAC 296-96-07070 What are the requirements for machinery beams and supports?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-080 Platform area and rated load.	WAC 296-96-07080 What are the load and size requirements for car platforms?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-090 Rated speed.	WAC 296-96-07090 What is the maximum rated speed of an incline elevator?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-100 Car and chassis construction.	WAC 296-96-07100 What construction requirements apply to incline elevators?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-110 Car enclosures.	WAC 296-96-07110 What construction requirements apply to car enclosures?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-120 Car doors or gates.	WAC 296-96-07120 What construction requirements apply to car doors and gates?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-130 Use of glass and plastics.	WAC 296-96-07130 What type of glass or plastic can be used in a car enclosure?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.

WAC 296-94-140 Data plates.	WAC 296-96-07140 Are capacity and data plates required?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-150 Guide and track supports and fastenings.	WAC 296-96-07150 What are the construction requirements for guide rails, track supports and fastenings?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-160 Counterweight guiding and construction.	WAC 296-96-07160 What construction requirements apply to counterweights?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-170 Car safeties and governors.	WAC 296-96-07170 What are the requirements of safeties and governors?	Moved the requirements regarding the testing of safeties and governors to WAC 296-96-7171. Also, made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
	WAC 296-96-07171 How are safeties and governors tested?	For clarity, this section, devoted solely to testing safeties and governors, was created. Moved testing content from old WAC 296-94-170. Also, made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-180 Driving machines and sheaves.	WAC 296-96-07180 What are the construction requirements for driving machines and sheaves?	Updated ASME code reference. Also, made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-190 Terminal stopping switches.	WAC 296-96-07190 What construction requirements apply to terminal stopping switches?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-200 Operation.	WAC 296-96-07200 What are the requirements for operation of an inclined private residence elevator?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-210 Suspension means.	WAC 296-96-07210 What are the construction requirements for suspension methods?	Updated ASME code references. Also, made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-220 Traveling cable(s).	WAC 296-96-07220 What are the requirements for traveling cables?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-230 Electric wiring.	WAC 296-96-07230 What requirements apply to electrical wiring?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-240 Track(s)/guide(s) supporting structure.	WAC 296-96-07240 What are the requirements for track supporting structures?	Made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-94-250 Means of egress.	WAC 296-96-07250 What additional requirements apply to inclined private residence elevators?	Updated ASME code reference. Also, made clarifying changes and applied clear rule-writing principles to the section for easier understanding and use.

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	Part C2 - Construction, Operation, Maintenance and Inspection of Inclined Elevators Used for Transporting Property only for Residential Use	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
WAC 296-94-010 Scope.	WAC 296-96-08010 What is the scope of these regulations?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-020 Definitions.	WAC 296-96-08020 What is the definition for inclined private residence elevator for transporting property?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-030 Approval of plans and specifications.	WAC 296-96-08030 Does the department approve elevators plans and specifications?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-93A-240 What are the minimum maintenance requirements for lifts?	WAC 296-96-08035 What are the minimum maintenance requirements for inclined private residence elevators for transporting property?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-050 Landing enclosures and gates—Where required.	WAC 296-96-08050 What are the construction requirements for inclined private residence elevator for transporting property for cars, landing gates, and enclosures?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-060 Bumpers and buffers.	WAC 296-96-08060 What types of bumpers and buffers must be installed inclined private residence elevator for transporting property?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-070 Machinery beams and supports.	WAC 296-96-08070 What are the requirements for machinery beams and supports?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-080 Platform area and rated load.	WAC 296-96-08080 What are the load and size requirements for car platforms?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-090 Rated speed.	WAC 296-96-08090 What is the maximum rated speed of an incline elevator?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-100 Car and chassis construction.	WAC 296-96-08100 What construction requirements apply to incline elevators?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-110 Car enclosures.	WAC 296-96-08110 What construction requirements apply to car enclosures?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.

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WAC 296-94-140 Data plates.	WAC 296-96-08140 Are capacity and data plates required on inclined private residence elevator for transporting property?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-150 Guide and track supports and fastenings.	WAC 296-96-08150 What are the construction requirements for guide rails, track supports and fastenings?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-160 Counterweight guiding and construction.	WAC 296-96-08160 What construction requirements apply to counterweights?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-170 Car safeties and governors.	WAC 296-96-08170 What are the requirements of safeties and governors?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
	WAC 296-96-08175 How are elevator safeties tested?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-180 Driving machines and sheaves.	WAC 296-96-08180 What are the construction requirements for driving machines and sheaves?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-190 Terminal stopping switches.	WAC 296-96-08190 What construction requirements apply to terminal stopping switches?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-200 Operation.	WAC 296-96-08200 What are the requirements for operation of an inclined private residence elevators for transporting property?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-210 Suspension means.	WAC 296-96-08210 What are the construction requirements for suspension methods?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-220 Traveling cable(s).	WAC 296-96-08220 What are the requirements for traveling cables?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-230 Electric wiring.	WAC 296-96-08230 What requirements apply to electrical wiring?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
WAC 296-94-240 Track(s)/guide(s) supporting structure.	WAC 296-96-08240 What are the requirements for track supporting structures?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.
	WAC 296-96-08250 What additional requirements apply to inclined elevators?	This change clarifies the requirements for these types of conveyances that are not addressed by the passenger incline elevator rule, which is more restrictive.

	Part C3 - Temporary Hoists	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
WAC 296-87-001 Scope, 296-87-010 Hoistway construction, 296-87-020 Guide rail brackets and building supports, 296-87-030 Hoistway enclosure, 296-87-040 Hoistway doors, 296-87-050 Landing platform, 296-87-060 Car operating and terminal stopping devices and electrical protective devices, 296-87-070 Car safeties, 296-87-080 Ropes, rope connections, data and record, 296-87-090 Car frames and platforms, 296-87-100 Capacity posting, 296-87-110 Platform size, 296-87-120 Maintenance inspection and test periods, and 296-87-130 Car and counterweight buffers.	WAC 296-96-09001 What regulations apply to personnel hoists?	Reference to ANSI A10.4-1990 edition as the standard for all personnel hoists was added and chapter 296-87 WAC was repealed.
	WAC 296-96-09002 Can a drop plate be used for temporary hoists? Drop plates for temporary hoists may be allowed provided that they are permanently attached to the elevator car.	This section was added to clarify when drop plates may be used, which is not in ANSI A10.4-1990 edition.
WAC 296-100-001 Scope, 296-100-010 Material hoist platforms, 296-100-020 Inside material hoist shaftways, 296-100-030 Outside hoisting towers, 296-100-040 Hoisting machines, 296-100-050 Capacity plate, and 296-100-060 Safety requirements for material hoists.	Material Hoists WAC 296-96-10001 What regulations apply to material hoists? All material hoists must comply with the American National Standard Institute ANSI A10.5-1992 edition or the latest published edition adopted by ANSI, Safety Requirements for Material Hoists.	Reference to ANSI A10.5-1992 edition as the standard for all material hoists installed and chapter 296-100 WAC was repealed.
	Part C4 - Additional Types of Conveyances	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
	Belt Manlifts WAC 296-96-11000 What regulations apply to belt manlifts after 1974?	Adopted the USAS A90-1969. Currently this requirement is in WAC 296-81-009.
	WAC 296-96-11001 What regulations apply to belt manlifts prior to 1974?	Added chart to clarify which rules apply to belt manlifts based on year the belt manlift was permitted.
WAC 296-82-010 Belt manlifts—Definitions.	WAC 296-96-11010 What are the definitions for belt manlifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-016 General requirements—Landings.	WAC 296-96-11016 What structural requirements apply to belt manlift landings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-019 General requirements—Floor opening guards.	WAC 296-96-11019 What structural requirements apply to belt manlift landings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-022 General requirements—Protection of entrances and exits. (1) Guardrail requirement.	WAC 296-96-11022 What requirements apply to guarding lift entrances and exits?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-82-025 General requirements—Guards for openings.	WAC 296-96-11025 What structural requirements apply to floor opening guards?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-028 General requirements—Guards at floor landings.	WAC 296-96-11028 What structural requirements apply to floor landing guards?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-031 General requirements—Bottom arrangement.	WAC 296-96-11031 What requirements apply to bottom landings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-034 General requirements—Top clearance.	WAC 296-96-11034 What requirements apply to top clearance?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-037 General requirements—Emergency exit ladders.	WAC 296-96-11037 What requirements apply to emergency exit ladders?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-040 General requirements—Illumination.	WAC 296-96-11040 What lighting requirements apply to belt manlifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-045 Belt manlifts mechanical requirements—Machines.	WAC 296-96-11045 What drive machine requirements apply to belt manlifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-048 Belt manlifts mechanical requirements—Speed.	WAC 296-96-11048 What is an acceptable operating speed for a belt manlift?	Clarified the maximum speed for belt manlifts and applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
WAC 296-82-051 Belt manlifts mechanical requirements—Platforms or steps.	WAC 296-96-11051 What are the construction requirements for steps?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-054 Belt manlifts mechanical requirements—Handholds.	WAC 296-96-11054 What requirements apply to the location and construction of handholds?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-057 Belt manlifts mechanical requirements—Up limit stops.	WAC 296-96-11057 What requirements apply to "up-limit stops"?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-060 Belt manlifts mechanical requirements—Emergency stop.	WAC 296-96-11060 What requirements apply to emergency stops?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-066 Belt manlifts mechanical requirements—Instruction and warning signs. (1) Instruction signs at landings or on belt.	WAC 296-96-11066 What are the warning sign requirements?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-070 Operating rules—Carrying of materials and tools.	WAC 296-96-11070 Can you carry tools and materials on a belt manlift?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-82-078 Tests and inspections—Periodic inspection.	WAC 296-96-11078 What is required for belt manlift inspections	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

WAC 296-84-010 Scope and application.	Hand-powered Manlifts WAC 296-96-14010 What is the scope and application of the department's hand-powered manlift rules?	Changed RCW reference from RCW 49.16.120 to chapter 70.87 RCW. Also, applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
WAC 296-84-015 Waiver and variance.		Deleted. Unnecessary section that was not used by the department.
WAC 296-84-020 Hoistway landings.	WAC 296-96-14020 What construction requirements apply to hoistway landings and entrances?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-025 Hoistway clearances.	WAC 296-96-14025 What are acceptable hoistway clearances?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-030 Habitable space under hoistways.	WAC 296-96-14030 Can there be a habitable space beneath an elevator hoistway or counterweight shaft?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-035 Hoistway guide rails.	WAC 296-96-14035 What construction requirements apply to hoistway guide rails?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-040 Buffer springs and over-travel of car.	WAC 296-96-14040 What installation requirements apply to buffer springs?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-045 Car specifications.	WAC 296-96-14045 What construction specifications apply to hoistway cars?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-050 Counterweights.	WAC 296-96-14050 What are the requirements for assembly, installation, and operation of sectional counterweights?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-055 Sheaves.	WAC 296-96-14055 What is the minimum acceptable sheave diameter?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-060 Hoisting ropes.	WAC 296-96-14060 What requirements apply to hoisting ropes?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-065 Operating rope.	WAC 296-96-14065 What requirements apply to operating ropes?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-070 Lighting.	WAC 296-96-14070 Where must hoistway lights be located?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-075 Overhead supports.	WAC 296-96-14075 What is the factor of safety for overhead supports?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-84-080 General requirements.	WAC 296-96-14080 What additional requirements apply to the installation and operation of hand powered manlifts?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-010 Scope.	Casket Lifts WAC 296-96-16010 What is the scope of the department's casket lift regulations?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

WAC 296-91-020 Machine rooms and machinery spaces.	WAC 296-96-16020 What requirements apply to the location and operation of machine rooms and machinery space?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-030 Equipment in machine rooms.	WAC 296-96-16030 What equipment can be located in a machine room?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-040 Electrical wiring, pipes and ducts in elevator hoistways and machine rooms.	WAC 296-96-16040 What requirements apply to the location of electrical wiring, pipes and ducts in hoistways and machine rooms?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-050 Pits.	WAC 296-96-16050 Is a pit required in a casket lift hoistway?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-060 Protection of hoistway landing openings.	WAC 296-96-16060 What requirements apply to the size and location of hoistway door openings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-070 Hangers, guides and guide shoes for hoistway doors	WAC 296-96-16070 How must hoistway doors be hung?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-080 Location of hoistway doors.	WAC 296-96-16080 Where must hoistway doors be located?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-090 Hoistway doors and door locking devices.	WAC 296-96-16090 What requirements apply to hoistway doors locks?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-100 Protection of spaces below hoistways.	WAC 296-96-16100 How should space beneath a hoistway be protected?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-110 Car doors or gates.	WAC 296-96-16110 What requirements apply to car doors and gates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-120 Car enclosures.	WAC 296-96-16120 What requirements apply to car enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-130 Car frames and platforms.	WAC 296-96-16130 What requirements apply to the construction of car frames and platforms?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-140 Car frames and platform connections	WAC 296-96-16140 How must car frames and platforms be connected?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-150 Capacity and loading.	WAC 296-96-16150 What is the load capacity of a casket lift car?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-160 Driving machine and sheaves.	WAC 296-96-16160 What types of casket lift driving machines are allowed?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-170 Material and grooving for sheaves and drums.	WAC 296-96-16170 What material and grooving is required for sheaves and drums?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-91-180 Driving machine brakes.	WAC 296-96-16180 What types of brakes must be used on the driving machine?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-190 Terminal stopping devices.	WAC 296-96-16190 Where must terminal stopping devices be located?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-200 Ropes, rope connections, data and record.	WAC 296-96-16200 What are the specifications for casket lift ropes and rope connections?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-210 Hydraulic elevators.	WAC 296-96-16210 What specific requirements apply to hydraulic elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-220 Valves, supply piping and fittings	WAC 296-96-16220 What requirements apply to valves, supply piping, and fittings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-230 Stopping devices	WAC 296-96-16230 What type of stopping devices must be installed?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-91-240 Operating devices.	WAC 296-96-16240 What type of operating devices must be used?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-010 Definitions.	Regulations for Boat Launching Elevators WAC 296-96-18010 What are the definitions for boat launching elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-020 Car or platform enclosures.	WAC 296-96-18020 Must boat launching elevator cars and platforms be enclosed?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-030 Electric wiring.	WAC 296-96-18030 What electrical wiring requirements apply to boat launching elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-040 Brakes.	WAC 296-96-18040 What type of brakes must be used on boat launching elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-050 Car operating and terminal stopping devices and electrical protective devices.	WAC 296-96-18050 What types of stop switches and protective devices are required on boat launching elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-060 Cables.	WAC 296-96-18060 When must hoisting cables be re-shackled or refastened?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-070 Hoistway gates and doors.	WAC 296-96-18070 What requirements apply to hoistway gates and doors?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-89-080 Hoistway enclosures.	WAC 296-96-18080 Must boat launching elevator hoistways be enclosed?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-85-005 National code adopted.	Mechanized Parking Garage Equipment WAC 296-96-20005 What national safety codes has the department adopted for mechanized parking garage equipment?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
	Part D - Regulations for Existing Elevators, Dumbwaiters, and Escalators	Added a part heading to separate the requirements of these rules in a format that is easier to understand and use.
	NOTE: The following rules set the minimum standard for existing elevators, dumbwaiters, and escalators, and, where applicable, alterations.	Added "Note" to clarify that the rules in this part set the minimum standard for all new installations and, where applicable, alterations.
	WAC 296-96-23100 Are keys required to be onsite?	Added to inform everyone that keys must be readily available and to recommend that a lock box be installed to provide ready availability of all necessary keys to inspectors at the time of elevator inspection and testing.
WAC 296-95-101 Scope.	Subpart I Hoistways and Related Construction for Electric and Hydraulic Elevators WAC 296-96-23101 What is the scope of Subpart I?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 1 Hoistways WAC 296-95-110 Hoistway enclosures	Section 1 Hoistways WAC 296-96-23110 What structural requirements apply to hoistway enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-111 Windows in hoistway enclosures.	WAC 296-96-23111 Are guards required for windows in hoistway enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-113 Pipes conveying gases, vapors, or liquids.	WAC 296-96-23113 What are the requirements for pipes in hoistways that convey gases, vapors, or liquids?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-115 Access for maintenance.	WAC 296-96-23115 What safety requirements apply to inspecting and maintaining overhead sheaves?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-116 Car number designation.	WAC 296-96-23116 What requirements apply to car numbers?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 2 Machine Rooms and Machinery Spaces WAC 296-95-121 Access to machine rooms and machinery spaces.	Section 2 Machine Rooms and Machinery Spaces WAC 296-96-23121 What are the requirements for machine room and machinery space access?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-122 Lighting.	WAC 296-96-23122 What type of lighting must be installed in machine rooms and machinery space?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-123 Service outlets.	WAC 296-96-23123 What type of service outlets must be installed in elevator cars, hoistways and machinery spaces?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

WAC 296-95-124 Pipes conveying gases, vapors, or liquids.	WAC 296-96-23124 What installation requirements apply to pipes conveying gases, vapors, or liquids in machine rooms and machinery spaces?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-125 Protection from weather.	WAC 296-96-23125 Must elevator machines and control equipment be protected from the weather?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-126 Guards.	WAC 296-96-23126 What protective measures should be taken in hoistways, machine rooms and machinery spaces to insure safety?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 3 Pits WAC 296-95-130 Access to pits.	Section 3 Pits WAC 296-96-23130 What requirements apply to pit access?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-131 Drains.	WAC 296-96-23131 What requirements apply to pit drains?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-132 Illumination of pits.	WAC 296-96-23132 What lighting requirements apply to pits?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-133 Counterweight pit guards	WAC 296-96-23133 What requirements apply to counterweight pit guards?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 4 Protection of Spaces Below Hoistways WAC 296-95-140 Spaces below hoistways.	Section 4 Protection of Space Below Hoistways WAC 296-96-23140 What requirements apply to any space below a hoistway that is not permanently protected from access?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 5 Hoistway Entrances WAC 296-95-150 Doors or gates required.	Section 5 Hoistway Entrances WAC 296-96-23150 Are hoistway doors (gates) required?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-151 Closing of hoistway doors.	WAC 296-96-23151 What requirements apply to hoistway door closing devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-152 Hoistway door vision panels.	WAC 296-96-23152 What requirements apply to hoistway door vision panels?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-153 Door hangers.	WAC 296-96-23153 What requirements apply to door hangers for horizontal slide doors?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-154 Nonshearing astragals.	WAC 296-96-23154 Are astragals required?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-155 Pull straps.	WAC 296-96-23155 What requirements apply to pull straps?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-156 Landing sill clearance.	WAC 296-96-23156 What requirements apply to landing sill clearances?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-95-157 Threshold clearance.	WAC 296-96-23157 What is the maximum allowable threshold clearance?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-158 Floor numbers.	WAC 296-96-23158 What requirements apply to elevator floor numbers?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 6 Hoistway Door Locking Devices, Parking Devices, and Access WAC 296-95-160 Hoistway door or gate locking devices	Section 6 Hoistway Door Locking Devices, Parking Devices, and Access WAC 296-96-23160 What requirements apply to hoistway door (gate) locking devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-161 Elevator parking device.	WAC 296-96-23161 What requirements apply to elevator parking devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-162 Access to hoistway.	WAC 296-96-23162 What requirements apply to hoistway door unlocking devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 7 Power Operation of Doors and Gates WAC 296-95-165 Reopening device for power-operated car doors or gates.	Section 7 Power Operation of Doors and Gates WAC 296-96-23165 What requirements apply to reopening devices for power-operated car doors and gates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-166 Photo electric or electric eye devices.	WAC 296-96-23166 What requirements apply to photo electric or electric eye door reopening devices?	Updated ANSI reference and applied clear rule-writing principles to the section for easier understanding and use.
Part II Machinery And Equipment For Electric Elevators WAC 296-95-200 Scope.	Subpart II Machinery and Equipment for Electric Elevators WAC 296-96-23200 What is the scope of Subpart II?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 1 Buffers and Bumpers WAC 296-95-203 Buffers and bumpers.	Section 1 Buffers and Bumpers WAC 296-96-23203 What requirements apply to buffers and bumpers?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 2 Counterweights WAC 296-95-205 Counterweights.	Section 2 Counterweights WAC 296-96-23205 What requirements apply to counterweights?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 3 Car Frames and Platforms WAC 296-95-206 Car platforms.	Section 3 Car Frames and Platforms WAC 296-96-23206 What requirements apply to car platforms and frames?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-207 Platform guards (aprons).	WAC 296-96-23207 What requirements apply to platform guards (aprons)?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-208 Hinged platform sills.	WAC 296-96-23208 What requirements apply to hinged platform sills?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-209 Floating (movable) platforms.	WAC 296-96-23209 What requirements apply to floating (movable) platforms?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 4 Car Enclosures WAC 296-95-215 Car enclosures.	Section 4 Car Enclosures WAC 296-96-23215 What requirements apply to car enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

WAC 296-95-216 Material for passenger car enclosure	WAC 296-96-23216 What requirements apply to the lining materials used on passenger car enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-220 Car doors and gates.	WAC 296-96-23220 What requirements apply to car doors and gates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-221 Location of car doors and gates.	WAC 296-96-23221 What requirements apply to the location of car doors and gates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-222 Control and operating circuit requirements.	WAC 296-96-23222 What control requirements apply to operating circuits?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-225 Emergency exits.	WAC 296-96-23225 What requirements apply to car emergency exits?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-226 Car illumination	WAC 296-96-23226 What requirements apply to car lighting?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 5 Safeties WAC 296-95-227 Car safeties.	Section 5 Safeties WAC 296-96-23227 What requirements apply to car safeties?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-228 Maximum permissible movement of governor rope to operate the safety mechanism.	WAC 296-96-23228 What is the maximum amount of governor rope movement allowed when operating a safety mechanism?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-229 Rail lubricants and lubrication plate.	WAC 296-96-23229 What requirements apply to rail lubricants and lubrication plates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 6 Speed Governors WAC 296-95-235 Governors.	Section 6 Speed Governors WAC 296-96-23235 What requirements apply to speed governors?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-236 Speed governor over-speed and car safety mechanism switches.	WAC 296-96-23236 What requirements apply to speed governor over-speed and car safety mechanism switches?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 7 Capacity and Loading WAC 296-95-240 Minimum rated load for passenger elevators.	Section 7 Capacity and Loading WAC 296-96-23240 What is the minimum rated load for passenger elevators?	Made a clarifying change to allow for variations in cab designs, an increase in the maximum inside net platform area not exceeding 5% from original installation will be permitted for the various rated loads. Also, applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-95-241 Use of partitions for reducing inside net platform area.	WAC 296-96-23241 What requirements apply to the use of partitions that reduce inside net platform area?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-243 Minimum rated load for freight elevators.	WAC 296-96-23243 What is the minimum rated load for freight elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-244 Capacity plates.	WAC 296-96-23244 What requirements apply to capacity plates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-95-245 Signs on freight elevators.	WAC 296-96-23245 What requirements apply to signs on freight elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 8 Driving Machines and Sheaves WAC 296-95-250 General requirements.	Section 8 Driving Machines and Sheaves WAC 296-96-23250 What general requirements apply to driving machines and sheaves?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-255 Winding drum machines.	WAC 296-96-23255 What requirements apply to winding drum machines?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-256 Indirect-drive machines.	WAC 296-96-23256 What requirements apply to indirect-drive machines?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-260 Brakes.	WAC 296-96-23260 What requirements apply to driving machine brakes?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-261 Driving and release of driving machine brakes.	WAC 296-96-23261 What requirements apply to the application and release of driving machine brakes?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 9 Terminal Stopping Devices WAC 296-95-262 Normal terminal stopping devices.	Section 9 Terminal Stopping Devices WAC 296-96-23262 What requirements apply to normal terminal stopping devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-264 Final terminal stopping devices.	WAC 296-96-23264 What requirements apply to final terminal-stopping devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 10 Operating Devices and Control Equipment WAC 296-95-266 Types of operating devices.	Section 10 Operating Devices and Control Equipment WAC 296-96-23266 What types of operating devices must not be used?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-268 Car-switch operation elevator.	WAC 296-96-23268 What requirements apply to car-switch operation elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-269 Passenger elevator emergency stop buttons.	WAC 296-96-23269 What requirements apply to passenger elevator emergency stop buttons?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-270 Top-of-car operating devices.	WAC 296-96-23270 What requirements apply to car top operating devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-272 Electrical protective devices	WAC 296-96-23272 What electrical protective devices are required?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-274 Power supply line disconnecting means.	WAC 296-96-23274 What requirements apply to the power supply line disconnect?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-276 Phase reversal and failure protection.	WAC 296-96-23276 What requirements apply to phase reversal and failure protection methods?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-95-277 Grounding and overcurrent protections.	WAC 296-96-23277 What requirements apply to grounding and overcurrent protections?	Added a subsection regarding National Electrical Code grounding protection requirements (sections 620-81 through 620-85) that had been inadvertently omitted from the old WAC 296-95-277. Also, applied clear rule-writing principles to the section for easier understanding and use.
WAC 296-95-278 Absorption of regenerated power.	WAC 296-96-23278 What requirements apply to the absorption of regenerated power?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-279 Door by-pass systems.	WAC 296-96-23279 What requirements apply to door by-pass systems?	Updated ANSI reference and applied clear rule-writing principles to the section for easier understanding and use.
Section 11 Emergency Operation and Signaling Devices WAC 296-95-280 Car emergency signaling devices (in all buildings).	Section 11 Emergency Operation and Signaling Devices WAC 296-96-23280 What requirements apply to all car emergency signaling devices in all buildings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 12 Suspension Means and Their Connections WAC 296-95-282 Suspension means.	Section 12 Suspension Systems and Their Connections WAC 296-96-23282 What requirements apply to suspension systems?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-283 Rope data tag.	WAC 296-96-23283 What requirements apply to rope data tags?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-284 Factor of safety.	WAC 296-96-23284 What is the factor of safety for wire suspension ropes?	Included illustration that had been omitted from the previous rule. Also, applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
WAC 296-95-285 Minimum number and diameter of suspension ropes.	WAC 296-96-23285 What is the minimum number of suspension ropes allowed?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-287 Suspension rope equalizers.	WAC 296-96-23287 What requirements apply to suspension rope equalizers?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-288 Securing of suspension wire ropes to winding drums.	WAC 296-96-23288 What requirements apply to securing suspension wire ropes to winding drums?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-289 Spare rope turns on winding drums.	WAC 296-96-23289 What requirements apply to spare rope turns on winding drum machines?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-290 Suspension rope fastenings.	WAC 296-96-23290 What requirements apply to suspension rope fastenings?	Renumbered section. Clear rule format. Updated ANSI reference to ASME. Otherwise no change in content.
WAC 296-95-291 Auxiliary rope fastening devices.	WAC 296-96-23291 What requirements apply to auxiliary rope fastening devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Part III Hydraulic Elevators WAC 296-95-300 Scope.	Subpart III Hydraulic Elevators WAC 296-96-23300 What is the scope of Subpart III, Hydraulic Elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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Section 1 Hoistways, Hoistway Enclosures, and Related Construction WAC 296-95-302 Hoistways, hoistway enclosures, and related construction shall conform to the requirements of Part 1.	Section 1 Hoistways, Hoistway Enclosures, and Related Construction WAC 296-96-23302 What requirements apply to hoistways, hoistway enclosures and related construction?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 2 Mechanical Equipment WAC 296-95-304 Buffers and bumpers.	Section 2 Mechanical Equipment WAC 296-96-23304 What requirements apply to buffers and bumpers?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-307 Car frames and platforms.	WAC 296-96-23307 What requirements apply to car frames and platforms?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-309 Car enclosures.	WAC 296-96-23309 What requirements apply to car enclosures?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-311 Capacity and loading.	WAC 296-96-23311 What requirements apply to capacity and loading?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 3 Driving Machines WAC 296-95-313 Connection to driving machine.	Section 3 Driving Machines WAC 296-96-23313 What requirements apply to driving machine connections?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-316 Plunger stops.	WAC 296-96-23316 What requirements apply to plunger stops?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 4 Valves, Supply Piping, and Fittings WAC 296-95-318 Pump relief valve.	Section 4 Valves, Supply Piping, and Fittings WAC 296-96-23318 What requirements apply to pump relief valves?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-321 Check valve.	WAC 296-96-23321 What requirements apply to check valves?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-322 Supply piping and fittings.	WAC 296-96-23322 What requirements apply to supply piping and fittings?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-323 Flexible hydraulic connections.	WAC 296-96-23323 What requirements apply to flexible hydraulic connections?	Updated ANSI reference to ASME. Also, applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
Section 5 Tanks WAC 296-95-324 General requirements.	Section 5 Tanks WAC 296-96-23324 What general requirements apply to tanks?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-325 Pressure tanks.	WAC 296-96-23325 What requirements apply to pressure tanks?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 6 Terminal Stopping Devices WAC 296-95-326 Terminal stopping devices shall conform to the requirements of WAC 296-95-262.	Section 6 Terminal Stopping Devices WAC 296-96-23326 What requirements apply to terminal stopping devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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Section 7 Operating Devices and Control Equipment WAC 296-95-328 Operating devices.	Section 7 Operating Devices and Control Equipment WAC 296-96-23328 What requirements apply to operating devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-330 Top-of-car operating devices.	WAC 296-96-23330 What requirements apply to car top operating devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-332 Anticreep leveling devices.	WAC 296-96-23332 What requirements apply to anti-creep leveling devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-334 Electrical protective devices.	WAC 296-96-23334 What requirements apply to electrical protective devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-336 Power supply line disconnecting means.	WAC 296-96-23336 What requirements apply to power supply line disconnects?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-338 Devices for making hoistway door interlocks or electric contacts, or car door or gate electric contacts inoperative.	WAC 296-96-23338 What requirements apply to devices that make hoistway door interlocks or electric contacts and car door (gate) electric contacts inoperative?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-340 Control and operating circuit requirements.	WAC 296-96-23340 What requirements apply to control and operating circuits?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-342 Emergency operation and signaling devices.	WAC 296-96-23342 What requirements apply to emergency operation and signaling devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 8 Additional Requirements for Counterweighted Hydraulic Elevators WAC 296-95-344 Additional requirements for counterweighted hydraulic elevators.	Section 8 Additional Requirements for Counterweighted Hydraulic Elevators WAC 296-96-23344 What additional requirements apply to counterweighted hydraulic elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Part IV Escalators WAC 296-95-400 Scope.	Subpart IV Escalators WAC 296-96-23400 What is the scope of Subpart IV, Escalators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 1 Construction WAC 296-95-405 Balustrades.	Section 1 Construction WAC 296-96-23405 What requirements apply to balustrades?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-408 Clearance between skirt and step.	WAC 296-96-23408 How much clearance is required be between skirt panels and step treads?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-410 Guards at ceiling or soffit intersections.	WAC 296-96-23410 What requirements apply to guards at ceiling or soffit intersections?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-412 Antislid device.	WAC 296-96-23412 What requirements apply to anti-slide devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-414 Handrails.	WAC 296-96-23414 What requirements apply to handrails?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

WAC 296-95-416 Handrail guards.	WAC 296-96-23416 What requirements apply to handrail guards?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-418 Slotting of step risers.	WAC 296-96-23418 What requirements apply to step riser slotting?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-420 Slotting of step treads.	WAC 296-96-23420 What requirements apply to step tread slotting?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-422 Combplates.	WAC 296-96-23422 What requirements apply to combplates?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 2 Brakes WAC 296-95-424 General requirements.	Section 2 Brakes WAC 296-96-23424 What general requirements apply to escalator brakes?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-427 Main drive shaft brake.	WAC 296-96-23427 What requirements apply to main drive shaft brakes?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 3 Operating and Safety Devices WAC 296-95-429 Starting switches.	Section 3 Operating and Safety Devices WAC 296-96-23429 What requirements apply to starting switches?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-431 Emergency stop buttons.	WAC 296-96-23431 What requirements apply to emergency stop buttons?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-432 Speed governor.	WAC 296-96-23432 What requirements apply to speed governors?	Incorporated the note in the old 296-95-432. Also, applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-434 Broken step-chain device.	WAC 296-96-23434 What requirements apply to broken step-chain devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-436 Application of brake.	WAC 296-96-23436 What requirements apply to brake applications?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-438 Broken drive-chain device.	WAC 296-96-23438 What requirements apply to broken drive-chain devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-440 Skirt obstruction device.	WAC 296-96-23440 What requirements apply to skirt obstruction devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-442 Rolling shutter device.	WAC 296-96-23442 What requirements apply to rolling shutter devices?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-444 Reversal stop device.	WAC 296-96-23444 What requirements apply to reversal stop device?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-446 Tandem operation.	WAC 296-96-23446 What requirements apply to tandem operations?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

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WAC 296-95-448 Caution signs.	WAC 296-96-23448 What requirements apply to caution signs?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Section 4 Lighting of Step Treads WAC 296-95-450 Lighting of step treads.	Section 4 Lighting of Step Treads WAC 296-96-23450 What requirements apply to step tread lighting?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Part V Dumbwaiters, Hand-Powered Dumbwaiters, and Hand-Powered Elevators WAC 296-95-500 Scope.	Subpart V Dumbwaiters and Hand-powered Elevators WAC 296-96-23500 What is the scope of Subpart V, Dumbwaiters and hand-powered elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-510 Electric and electro-hydraulic dumbwaiters.	WAC 296-96-23510 What requirements apply to electric and electro-hydraulic dumbwaiters?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-540 Hand-power elevators and dumbwaiters.	WAC 296-96-23540 What requirements apply to hand-power elevators and dumbwaiters?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Part VI Alterations, Repairs, and Maintenance WAC 296-95-600 Scope.	Subpart VI Alterations, Repairs and Maintenance WAC 296-96-23600 What is the scope of Subpart VI, Alterations, Repairs and Maintenance?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-610 Routine periodic inspections and tests.	WAC 296-96-23610 What requirements apply to routine periodic inspections and tests?	Updated the ANSI reference to ASME. Also, applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
WAC 296-95-620 Alterations, repairs, and maintenance.	WAC 296-96-23620 What requirements apply to alterations, repairs and maintenance?	Updated the ANSI reference to ASME. Also, applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
WAC 296-95-630 Anchorage after seismic activity.	WAC 296-96-23630 What requirements apply to elevator equipment displaced by seismic activity?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
Part VII Lifts for Physically Handicapped WAC 296-95-700 Scope.	Subpart VII Lifts for Physically Handicapped WAC 296-96-23700 What is the scope of Subpart VII, Lifts for Physically Handicapped?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-710 Lifts for physically handicapped.	WAC 296-96-23710 What requirements apply to lifts for the physically handicapped?	Added reference to inclined wheel chair lifts. Also, applied clear rule-writing principles to the section for easier understanding and use. Otherwise, no change in content.
Part VIII Sidewalk Elevators WAC 296-95-800 Scope.	Subpart VIII Sidewalk Elevators WAC 296-96-23800 What is the scope of Subpart VIII, Sidewalk Elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.
WAC 296-95-810 Sidewalk elevators.	WAC 296-96-23810 What requirements apply to electrically-operated sidewalk elevators?	Applied clear rule-writing principles to the section for easier understanding and use. No change in content.

PROPOSED

Statutory Authority for Adoption: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185, and 70.87.190.

Statute Being Implemented: Chapter 70.87 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rich Atkinson, Tumwater, (360) 902-6128; Implementation and Enforcement: Patrick Woods, Tumwater, (360) 902-6348.

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

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules are exempt from the small business economic impact statement requirements because the purpose of these rules is to:

- Rewrite, reorganize, and combine all of the existing rules relating to elevators and other conveyances in one location and in a more usable format as directed in the department's August 1997 rule review plan (in response to the Governor's Executive Order 97-02 on regulatory improvement) in order to make them easier to understand;
- Make clarifying and housekeeping changes;
- Adopt either by reference or without material change national consensus codes;
- Separate the requirements for inclined private residence conveyances for transporting people and property into two parts - inclined private residence elevators for transporting person(s) and inclined private residence elevators for transporting property in order to clarify the differences and provide the appropriate level of safety for the two different types of elevators;
- Implement requirements authorized by statute (e.g. specified when inspections of private residence conveyances are performed and when they are not necessary and implement a penalty structure for failure to notify corrections on all conveyances); and
- Incorporate necessary policy (and current practice) into rule as directed by the Governor's Executive Order 97-02 on regulatory improvement.

RCW 34.05.328 does not apply to this rule adoption. This rule making was a comprehensive clear rule write of all the rules relating to elevators and other conveyances. The purpose of this rule making is to:

- Rewrite, reorganize, and combine all of the existing rules relating to elevators and other conveyances in one location and in a more usable format as directed in the department's August 1997 rule review plan (in response to the Governor's Executive Order 97-02 on regulatory improvement) in order to make them easier to understand;
- Make clarifying and housekeeping changes;

- Adopt either by reference or without material change national consensus codes;
- Separate the requirements for inclined private residence conveyances for transporting people and property into two parts - inclined private residence elevators for transporting person(s) and inclined private residence elevators for transporting property in order to clarify the differences and provide the appropriate level of safety for the two different types of elevators;
- Implement requirements authorized by statute (e.g. specified when inspections of private residence conveyances are performed and when they are not necessary and implement a penalty structure for failure to notify corrections on all conveyances); and
- Incorporate necessary policy (and current practice) into rule as directed by the Governor's Executive Order 97-02 on regulatory improvement.

Significant rule-making criteria does not apply to these rule changes because the exempt criteria outlined in RCW 34.05.328(5) was met.

Hearing Location: Department of Labor and Industries, Tukwila Service Location, 12806 Gateway Drive, Tukwila, WA 98168-1050, on September 5, 2000, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by September 1, 2000, at (360) 902-6411.

Submit Written Comments to: Josh Swanson, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, swaj235@lni.wa.gov, fax (360) 902-5292, by September 12, 2000. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: October 20, 2000.

June 30, 2000

Gary Moore

Director

REPEALER

Chapter 296-81 WAC,
Chapter 296-82 WAC,
Chapter 296-84 WAC,
Chapter 296-85 WAC,
Chapter 296-87 WAC,
Chapter 296-89 WAC,
Chapter 296-91 WAC,
Chapter 296-93A WAC,
Chapter 296-94 WAC,
Chapter 296-95 WAC, and
Chapter 296-100 WAC

Chapter 296-96 WAC

SAFETY REGULATIONS AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

Part A - Administrative

NEW SECTION

WAC 296-96-00500 Scope, purpose, and authority.
This chapter is authorized by chapter 70.87 RCW covering

elevators, lifting devices, and moving walks. The purpose of this chapter is to:

- (1) Provide for the safe mechanical and electrical operation, construction, installation, alteration, inspection, relocation, and repair of conveyances; and
- (2) Ensure that all such operation, construction, installation, alteration, inspection, and repair subject to the provisions of this chapter will be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington.

NEW SECTION

WAC 296-96-00600 What rules apply to your conveyance? Elevators and other conveyances must comply with the rules adopted by the department that were in effect at the time the conveyance was permitted unless any new rule specifically states that it applies to all elevators, regardless of when the elevator was permitted.

Please note, if the elevator is altered it must comply with all of the applicable rules adopted by the department.

NEW SECTION

WAC 296-96-00650 Which National Elevator Codes and Supplements has the department adopted?

NATIONAL ELEVATOR CODES AND SUPPLEMENTS ADOPTED				
TYPE OF CONVEYANCE	NATIONAL CODE AND SUPPLEMENTS	EFFECTIVE DATES		COMMENTS
		FROM	TO	
Elevators, Dumbwaiters, Escalators	American Standard Safety Code (ASA) A17.1, 1960	Prior to 11/1/1963	11/1/1963	Adopted Standard Part X of ASA applies to all installations in existence prior to 11/1/63.
Elevators, Dumbwaiters, Escalators	American Standard Safety Code (ASA) A17.1, 1960	11/1/1963	12/29/1967	Adopted Standard
Moving Walks	American Safety Association A17.1.13, 1962	11/1/1963	12/29/1967	Adopted Standard
Elevators, Dumbwaiters, Escalators, and Moving Walks	USSA A17.1, 1965; Supplements A17.1a, 1967; A17.1b, 1968; A17.1c, 1969;	12/30/1967	2/24/1972	Adopted Standard USSA 1965 includes revision and consolidation of A17.1-1, 1960, A17.1a, 1963, and A17.1-13, 1962. Adopted code and supplements, excluding Appendix E and ANSI 17.1d, 1970.
Elevators, Escalators, etc.	American National Standard Institute ANSI A17.1, 1971	2/25/1972	6/30/1982	Adopted Standard as amended and revised through 1971.
Elevators, Escalators, etc.	ANSI A17.1, 1971; A17.1a, 1972	2/25/1972	6/30/1982	Adopted Supplement
Elevators, Escalators, etc.	ANSI A17.1, 1981	7/1/1982	1/9/1986	Adopted Standard
Elevators, Escalators, etc.	ANSI A17.1a, 1982	3/1/1984	1/9/1986	Adopted Supplement
Elevators, Escalators, etc.	ANSI A17.1b, 1983	12/1/1984	1/9/1986	Adopted Supplement, except portable escalators covered by Part VIII of A17.1b, 1983.
Elevators, Escalators, etc.	ANSI A17.1, 1984	1/10/1986	12/31/1988	Adopted Standard Except Part XIX. After 11/11/1988 Part II, Rule 211.3b. was replaced by WAC 296-81-275.
Elevators, Escalators, etc.	ANSI A17.1a, 1985	1/10/1986	12/31/1988	Adopted Supplement
Elevators, Escalators, etc.	ANSI A17.1b, 1985; A17.1c, 1986; A17.1d, 1986; and A17.1e, 1987	12/6/1987	12/31/1988	Adopted Supplement
Elevators, Escalators, etc.	ANSI A17.1, 1987	1/1/1989	12/31/1992	Adopted Standard Except Part XIX and Part II, Rule 211.3b. WAC 296-81-275 replaced Part II, Rule 211.3b.

PROPOSED

Elevators, Escalators, etc.	ANSI A17.1, 1990	1/1/1993	2/28/1995	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Escalators, etc.	ANSI A17.1, 1993	3/1/1995	6/30/1998	Adopted Standard Except Part XIX and Part V, Section 513. Chapter 296-94 WAC replaced Part V, Section 513.
Elevators, Escalators, etc.	ASME A17.1, 1996	6/30/1998	Current	Adopted Standard Except Part V, Section 513.

Note: Copies of codes and supplements can be obtained from The American Society of Mechanical Engineers, Order Department, 22 Law Drive, Box 2300, Fairfield, New Jersey, 07007-2300.

NEW SECTION

WAC 296-96-00700 Chapter definitions. The following general definitions are important:

"ANSI" means the American National Standard Institute.

"ASA" means the American Safety Association

"ASME" means the American Society of Mechanical Engineers.

"Code" refers to nationally accepted codes (i.e. ASME, ANSI, ASA, and NEC) and/or the Washington Administrative Code.

"Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, as well as, other elevating devices defined in this chapter.

"Department" means the department of labor and industries.

"Director" means the director of the department or the director's representative.

"Elevator" means:

- (1) A hoisting or lowering machine;
- (2) Equipped with a car or platform that moves in guides; and

(3) Services two or more floors or landings of a building or structure. "Inspector" means a department elevator inspector or an inspector in a municipality with an elevator ordinance in effect according to RCW 70.87.200.

"Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise.

"NEC" means the National Electrical Code

"Permit" means a permit issued by the department to construct, alter, install, relocate, or operate a conveyance.

"Person" means an individual, this state, a political subdivision of this state, any public or private corporation, any firm, or any other entity.

"WAC" means the Washington Administrative Code.

The following definitions are important:

"Automobile parking elevator" means an elevator that is located in either a stationary or horizontally moving hoistway and is used exclusively for parking automobiles.

(a) During the parking process, each automobile moves onto or off of the elevator under its own power or by a power driven transfer device into parking spaces or cubicles directly in line with the elevator.

(b) Normally, no person is stationed on any level except the receiving level.

"Belt manlift" means a power-driven endless belt with steps or platforms and handholds used for the transportation of personnel from floor to floor.

"Boat launching elevator" means an elevator that:

- (a) Serves a boat launching structure and a beach or water surface; and
- (b) Is used for carrying or handling boats in which people ride.

"Casket lift" means a lift that:

- (a) Is installed at a mortuary;
- (b) Is designed exclusively for carrying caskets;
- (c) Moves in guides in basically a vertical direction; and
- (d) Serves two or more floors or landings.

"Direct-plunger hydraulic elevator" means a hydraulic elevator with a plunger or cylinder attached to the car frame or platform.

"Dumbwaiter" means a hoisting and lowering mechanism equipped with a car that:

- (a) Moves in guides in substantially a vertical direction;
- (b) Has a floor area that does not exceed 9 square feet;
- (c) Has an inside height that does not exceed 4 feet;
- (d) Has a capacity that does not exceed 500 pounds; and
- (e) Is used exclusively for carrying materials.

"Electric elevator" means an elevator powered by an electric driving machine.

"Electro-hydraulic elevator" means a direct-plunger elevator where a pump driven by an electric motor pumps liquid, under pressure, directly into the cylinder.

"Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers.

"Freight elevator" means an elevator:

- (a) Used primarily for carrying freight; and
- (b) Whose passengers are limited to the operator, people needed to load and unload freight, and other employees approved by the department.

"Hand elevator" means an elevator where manual energy moves the car.

"Hydraulic elevator" means an elevator powered by a plunger or piston moved by pressurized liquid in a cylinder.

"Inclined elevator" means an elevator that travels at an inclined angle of 70 degrees or less from the horizontal.

"Limited-use/limited-application elevator (LULA)" means a powered passenger elevator whose use and application is limited by size, capacity, speed, and rise. It is princi-

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pally used for vertically transporting people with physical disabilities.

"Maintained-pressure hydraulic elevator" means a direct-plunger elevator where pressurized liquid is always available for transfer into the cylinder.

"Material hoist" means a hoist that is:

- (a) Not part of a permanent structure;
- (b) Installed inside or outside buildings during construction, alteration, or demolition;
- (c) Used to raise or lower materials associated with the building project; and

"Elevator" means a lift that is not part of a conveying system and is:

- (a) Permanently installed in a commercial or industrial area;
- (b) Not accessible to the general public or intended to be operated by the general public.

"Moving walk" means a passenger-carrying device on which:

- (a) Passengers stand or walk; and
- (b) The carrying surface remains parallel to its direction of motion.

"Multi-deck elevator" means an elevator having two or more compartments located one immediately above the other.

"Observation elevator" means an elevator designed for exterior viewing by passengers while the car is traveling.

"One-man capacity manlift" means a single passenger device that:

- (a) Is either hand-powered counterweighted or electric-powered;
- (b) Travels vertically in guides; and
- (c) Serves two or more landings.

"Passenger elevator" means an elevator used to carry passengers but may also be used to carry freight or materials if the load does not exceed the capacity of the elevator.

"Personnel hoist" means a hoist that is:

- (a) Not part of a permanent structure;
- (b) Installed inside or outside buildings during construction, alteration or demolition;
- (c) Used to raise or lower workers and other persons associated with the building project; and
- (d) Used for the transportation of materials when necessary.

"Power elevator" means an elevator using energy, other than gravitational or manual energy, to move the car.

"Private residence conveyance" means a conveyance installed in or on the premises of a single-family dwelling and used to transport people or property from one elevation to another.

"Rack and pinion elevator" means a power elevator, with or without counterweights, supported, raised and lowered by a motor(s) driving a pinion(s) on a stationary rack mounted in the hoistway.

"Rooftop elevator" means a powered passenger or freight elevator that operates between a roof level landing and one landing below and opens, horizontally, onto a building roof.

"Roped hydraulic elevator" means a hydraulic elevator with its plunger or piston coupled to the car by wire ropes and sheaves.

"Screw column elevator" means a powered elevator with a non-counterweighted car supported, raised and lowered by a screw thread.

"Sidewalk elevator" means a freight elevator that operates between the sidewalk or other areas outside a building and the building floor levels below; and

(a) At its upper travel limit, has no landing opening into the building; and

(b) Is not used to carry automobiles.

"Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed and is:

(a) Permanently installed in grain elevators, radio antennas, bridge towers, underground facilities, dams, power plants and similar structures; and

(b) Used to vertically transport authorized personnel, their tools and equipment.

"Stairway chair lift" means a lift that travels in an inclined direction and is designed for use by disabled persons.

"Workmen's Construction Elevator" means a permanent elevator used temporarily during construction for personnel and materials.

"Wheelchair lift" means a lift that travels in a vertical or inclined direction and is designed for use by wheelchair users.

NEW SECTION

WAC 296-96-00800 Advisory committee on conveyances. The purpose of the advisory committee is to advise the department on the adoption of regulations that apply to conveyances; methods of enforcing and administering the elevator law, chapter 70.87 RCW; and matters of concern to the conveyance industry and to the individual installers, owners and users of conveyances. The advisory committee consists of five persons appointed by the director of the department or his or her designee with the advice of the chief of the elevator section. The committee members shall serve four years.

The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section. The committee members shall serve without per diem or travel expenses.

The chief of the elevator section shall be the secretary for the advisory committee.

Part B - Regulations and Fees for All Elevators, Dumbwaiters, Escalators and Other Conveyances

NOTE: Total fees include the sum of the permit cost plus plan check fees.

NEW SECTION

WAC 296-96-01000 What is the permit process for owning conveyance? (1) Prior to the start of the construction, alteration, or relocation, of all conveyances (this

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includes both private residence and commercial conveyances) your plan must be approved by the department. See WAC 296-96-1030.

(2) Prior to construction, alteration, or relocation of any conveyance, you must get an installation permit from the department. See WAC 296-96-1010 and 296-96-1015.

(3) Your conveyance must be inspected upon completion of the construction, alteration, or relocation. See WAC 296-96-1035.

(4) You must obtain and renew an annual operating permit for each conveyance that you own, except for residential conveyances. See WAC 296-96-1065.

(5) After initial purchase and inspection private residence conveyance(s) do not require an annual fee. However, annual inspections may be conducted upon request. See WAC 296-96-1065 for the associated fees.

NEW SECTION

WAC 296-96-01005 When do I need a permit? (1)

You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance as described in the definitions for this chapter. To obtain your permit, you need to complete the permit application and pay the appropriate fee. Once your application is approved, a permit will be issued and you may begin work on your project.

(2) Construction and alteration permits are valid for one year from the date of issue; however, permits may be renewed if you:

(a) Apply for a renewal permit before your current permit expires;

(b) The department approves your request for a renewal permit;

(c) You pay a one-dollar renewal fee to the department for each permit you renew; and

(d) If your permit has expired you must reapply for a new permit.

(3) You are not required to obtain permits and pay fees for repairs and replacement associated with normal functions and necessary maintenance done with parts of equivalent materials, strength and design; or for any conveyance exempted by RCW 70.87.200.

NEW SECTION

WAC 296-96-01010 What are the permit fees and how are they calculated? Permit fees are based on the total cost of the conveyance and labor to install. The following permit fees apply to the construction, alteration, or relocation of all conveyances except for material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$250 to and including \$1,000	\$30.50
\$1,001 to and including \$15,000	
For the first \$1,001	43.00
Each additional \$1,000 or fraction thereof	8.50
\$15,001 to and including \$100,000	
For first \$15,001	165.25
For each additional \$1,000 or fraction thereof	5.50
OVER \$100,001	

For the first \$100,001	694.50
For each additional \$1,000 or fraction thereof	4.50

NEW SECTION

WAC 296-96-01015 What are the permit fees for material lift and how are they calculated? Permit fees are based on the total cost of the material lift and labor to install. The following fees apply to construction, alteration, or relocation of material lifts:

TOTAL COST OF MATERIAL LIFT	FEE
\$250 to and including \$1,000	\$28.00
\$1,001 to and including \$15,000	
For the first \$1,001	39.25
Each additional \$1,000 or fraction thereof	7.75
\$15,001 to and including \$100,000	
For first \$15,001	150.25
For each additional \$1,000 or fraction thereof	5.00
OVER \$100,001	
For the first \$100,001	631.50
For each additional \$1,000 or fraction thereof	4.00

NEW SECTION

WAC 296-96-01025 What is the permit fee for personnel and material hoists? The fee for each personnel hoist or material hoist installation is \$101.75

NEW SECTION

WAC 296-96-01027 Are permit fees refundable?

Your permit fees are refundable unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits for which the refunds are requested.

The processing fee for a refund is \$26.00

NEW SECTION

WAC 296-96-01030 What is the process for installation an alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME) A17.1, the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration \$22.25

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If more than two sets of plans are submitted, the fee for each additional set22.25

NEW SECTION

WAC 296-96-01035 Are there inspection fees? The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the conveyance you will be issued a permit that is valid for 30-days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating yearly.
The following exceptions do require a fee:

<u>RE-INSPECTION</u>	<u>FEE</u>
If a conveyance does not pass an initial inspection and a second inspection is required, the fee for each conveyance re-inspected is	78.75
If any additional re-inspections are required, the fee for each conveyance re-inspected.	101.75

Re-inspection fees must be paid before a re-inspection will take place. The department may waive re-inspection fees.

NEW SECTION

WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary personnel elevators? (1) The fee for the inspecting and testing of regular elevators used as temporary personnel elevators is \$67.50, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted on the elevator.

NEW SECTION

WAC 296-96-01045 What are the inspection requirements for conveyances in private residences? (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to inspection, you must complete a permit application as described in WAC 296-96-1005 and pay the appropriate fee listed in WAC 296-96-1010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating permit is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it.

When an owner requests an inspection and an annual operating permit, the following fee must be paid prior to an inspection:

<u>TYPE OF CONVEYANCE</u>	<u>FEE</u>
Each inclined stairway chair lift in private residence	16.50
Each inclined wheel chair lift in a private residence	22.25
Each vertical wheel chair lift in a private residence	28.00
Each dumbwaiter in a private residence.	22.25
Each inclined elevator at a private residence.	78.75
Each private residence elevator	50.75
Duplication of a lost, damaged or stolen operating permit	5.00

NEW SECTION

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of \$291.50 per day plus the standard per diem and mileage allowance granted to department inspectors.

NEW SECTION

WAC 296-96-01055 Are technical services available? You may request elevator field technical services from the department by paying a fee of \$56.25 per hour plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

NEW SECTION

WAC 296-96-01060 Can I request an after hours inspection? You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. The minimum fee for an after-hours inspection is \$70.75 per hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

NEW SECTION

WAC 296-96-01065 What are the annual operating permits fees? An annual operating permit will be issued to you upon payment of the appropriate fee:

PROPOSED

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TYPE OF CONVEYANCE	FEE		
Each hydraulic elevator	78.75	(b)	Installation of a conveyance without a permit:
Each roped-hydraulic elevator	101.75		First violation \$150.00
plus for each hoistway opening in excess of two	7.75		Second violation 300.00
Each cable elevator	101.75	(c)	Each additional violation 500.00
plus for each hoistway opening in excess of two	7.75		Relocation of a conveyance without a permit:
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	10.75		First violation \$150.00
Each limited-use/limited-application (LULA) elevator	78.75	(d)	Second violation 300.00
Each escalator	78.75		Each additional violation 500.00
Each dumbwaiter in other than a private residence	50.75	(e)	Alteration of a conveyance without a permit:
Each material lift	67.50		First violation \$150.00
Each incline elevator in other than a private residence	101.75		Second violation 300.00
Each belt manlift	78.75	(f)	Each additional violation 500.00
Each stair lift in other than a private residence	50.75		Operation of a conveyance for which the department has issued a red tag or has revoked or suspended an operating permit: \$500.00
Each wheel chair lift in other than a private residence	50.75	(g)	Failure to comply with a correction notice:
Each personnel hoist	78.75		Within 90 days \$100.00
Each grain elevator personnel lift	78.75		Between 91 and 180 days 250.00
Each material hoist	78.75		Between 181 and 270 days 400.00
Each special purpose elevator	78.75		Between 271 and 360 days 500.00
Each private residence elevator installed in other than a private residence	78.75		Failure to submit official written notification that all corrections have been completed:
Each casket lift	78.75		Within 90 days \$100.00
Each sidewalk freight elevator	78.75		Between 91 and 180 days 250.00
Each hand-powered manlift or freight elevator	50.75		Between 181 and 270 days 400.00
Each boat launching elevator	78.75		Between 271 and 360 days 500.00
Each auto parking elevator	78.75		(2) A violation will be a "second" or "additional" violation only if it occurs within one year of the first violation.
Each moving walk	78.75		(3) The department must use certified mail to notify the installer, owner, or operator of a violation of chapter 70.87 RCW, or these rules
Duplication of a damaged, lost or stolen operating permit	5.00		(4) A person who contests a notice of violation issued by the department may request a hearing. The request for a hearing must be:

NEW SECTION

WAC 296-96-01070 Are there penalties? (1) Any installer, owner or operator of a conveyance who violates a provision of chapter 70.87 RCW or these rules shall be subject to the following civil penalties:

(a) Operation of a conveyance without a permit:	
First violation	\$150.00
Second violation	300.00
Each additional violation	500.00

- (a) In writing;
- (b) Accompanied by a certified or cashier's check, payable to the department, for \$200.00; and
- (c) Postmarked or received by the department within 15 days after the person receives the department's violation notice.

Part C - Regulations for New and Altered Elevators and Lifting Devices

NOTE: The following rules set the minimum standard for all new installations and, where applicable, alterations.

NEW SECTION

WAC 296-96-02240 Where is a shut-off valve required for hydraulic elevators? Two shut-off valves may be required.

(1) When the pit is lower than the machine a shut-off valve must be installed in the pit.

(2) ASME requires that a shut-off valve be installed in the machine room. A separate shut-off valve is not required in the pit for hydraulic elevators equipped with a safety/rupture valve that rotates no more than 180 degrees to stop the flow of hydraulic fluid and has a safety shut-off handle capable of being grasped.

NEW SECTION

WAC 296-96-02275 What are the requirements for Phase I recall? Devices for deactivating recall must be in the line of sight of the elevator; be secure from tampering; and must be accessible to fire, inspection, and elevator service personnel only. Owner-designated patient express and emergency hospital service elevators may have a manual control in the car for use by authorized patient care personnel. When activated, it shall preclude Phase I recall.

EXCEPTION: Limited use/limited application (LULA), special purpose, and residential elevators are exempt from the Phase I recall requirement.

NEW SECTION

WAC 296-96-02277 How does the department enforce ASME requirements for sprinklers, smoke detectors, and heat detectors in hoistways and machine rooms? ASME A17.1-102.2 (c)3 states: "Means shall be provided to automatically disconnect the mainline power supply to the affected elevator prior to the application of water."

(1) The department enforces this rule as follows:

(a) When sprinkler systems are installed in an elevator hoistway, fixed temperature heat detectors, set only at 135°F, must be located at the top of the hoistway. If sprinklers are installed in the machine room, the same rule applies to heat detectors in the machine room. If you install heat detectors, you must also install a smoke detector for elevator recall. The purpose of these heat detectors is to automatically disconnect mainline power to the elevator before water flows from any sprinkler associated with the elevator system.

(b) Smoke detectors at the top of the hoistway shall not recall the elevator to the bottom landing.

(c) Heat detectors must be:

(i) Located near each sprinkler head as required by NFPA 13;

(ii) Considered only as an auxiliary function of elevator equipment;

(iii) Identified as "elevator controls only - DO NOT TEST"; and

(iv) Ceiling mounted. However, pit detectors, if installed, may only be used as a signaling device and wall-mounted if they are so designed.

(v) Heat detectors are not required in pits provided the automatic sprinkler heads are installed in such a way that the water spray pattern does not spray higher than three feet above the pit floor with a spray pattern directed level and down. The shunt trip disconnect must be installed in the machine room or machinery space and it must be easily identifiable.

(d) Power for the automatic disconnect control circuit must be derived from the load side of the elevator power main disconnecting means or from a 120 volt separate branch circuit. Circuit location must be identified on or next to the elevator disconnects. If a 120 volt separate branch circuit is used an illuminated visual device must be installed in the machine room adjacent to each elevator's disconnect. The purpose of this visual device is to indicate that power is available to the shunt trip activation mechanism.

(e) All electrical equipment and wiring associated with shunt trip devices must conform to the applicable ANSI/NFPA 70.

(f) The department does not require sprinkler shut-off valves. However, where they are installed, they must be located in an accessible place outside the hoistway, machine room or machinery space with their handles placed at no more than 6 feet above the floor.

(g) Emergency return units must be disabled when the shunt trip is activated.

(2) The department must approve alternative methods used to achieve ASME A17.1 – 102.2 (c)(3) prior to installation.

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

NEW SECTION

WAC 296-96-02278 Are keys required to be onsite?

Yes. The keys to the machine room and that are necessary to operate the elevator must be readily available to authorized personnel.

NOTE: The department recommends the use of a locked key retainer box in the elevator lobby at the designated level above the hall buttons or by machine room doors at no more than 6 feet above the floor. This key retainer box should be:

- Readily accessible to authorized personnel;
- Clearly labeled "Elevator"; and
- Equipped with a 1-inch cylinder cam lock key #39504.

The department further recommends that

- Keys for access to elevator machine rooms and for operating elevator equipment are tagged and kept in the key box.
- The key box contains all keys necessary for inspection of the elevator.
- Mechanical hoistway access devices are located in the machine room.

PROPOSED

NEW SECTION

WAC 296-96-02280 Can pipes and ducts be installed above a machine room? Electric conduit, pipes, and ducts may be installed in the upper space ("upper space" is defined as the space above the fire-rated ceiling) of the elevator machine room as long as they are installed above the required seven-foot clearance and they do not interfere with the elevator equipment which also must be installed to allow a seven-foot head clearance.

(1) Straight through runs of electrical conduit without junction boxes may be installed in this space.

(2) Pipes and ducts conveying gases, vapor, or liquids may be installed in the space above the machine room provided they are encased in a noncombustible secondary pipe without joints, or a moisture barrier without penetration.

NEW SECTION

WAC 296-96-02281 What is required for emergency escape hatches? Emergency escape hatches must be hinged and secured from the car top so that the cover opens from the top of the car only.

NEW SECTION

WAC 296-96-02300 Are self-leveling devices required? Automatic elevators must be equipped with a self-leveling device that:

- (1) Operates automatically;
- (2) Stops the car at each floor landing within a tolerance of plus or minus 1/2 inch under normal loading and unloading conditions;
- (3) Functions independently of the car's operating device;
- (4) Corrects for over-travel and under-travel; and
- (5) Always maintains the car within a tolerance of plus or minus 1/2 inch with the landing regardless of load.

NEW SECTION

WAC 296-96-02306 Is a door reopening device required on automatic-closing car doors? (1) If an elevator car door closes automatically, a door reopening device must be installed that:

- (a) Stops and reopens the car door and the adjacent hoistway door whenever the car door is obstructed while closing;
- (b) Is activated by a sensor, not physical contact;
- (c) Is capable of sensing an object or a person in the path of the closing car door; and
- (2) The sensing device can be located along the entire edge of the door. When used with a manually operated device (safety edge), a minimum of two sensing devices must be installed between 5 and 29 inches above the floor.

NEW SECTION

WAC 296-96-02310 What is the minimum acceptable initial transfer time for an elevator door? "Initial transfer time" refers to the period of time between an elevator

car receiving a call for service and when the car door begins to close. The minimum acceptable initial transfer time for an elevator is:

(1) For HALL CALLS, minimum acceptable initial transfer time is based upon the distance between a point in the center of the corridor or lobby (maximum 5 feet) that is directly opposite the farthest hall button controlling the car and the centerline of the hoist-way entrance. Minimum acceptable times for specific distances are:

- (a) 0-5 feet: 4 seconds;
- (b) 10 feet: 7 seconds;
- (c) 15 feet: 10 seconds; and
- (d) 20 feet: 13 seconds.

(2) For CAR CALLS, the minimum acceptable initial transfer time for doors to remain fully open is 3 seconds.

NEW SECTION

WAC 296-96-02315 What are the structural requirements for car interiors? (1) All car interiors must be constructed to allow wheelchair users to enter the car, to maneuver within reach of the control panel and to exit the car.

- (2) Minimum door width must be 36 inches.
- (3) Minimum cab depth:
 - (a) From the rear wall to the return panel must be 51 inches; and
 - (b) From the rear wall to the inside face of the cab door must be 54 inches.
- (4) For cabs with side-opening doors, the minimum cab width is 68 inches;
- (5) For cabs with center-opening doors, the minimum cab width is 80 inches; and
- (6) Maximum clearance between a car platform sill and the edge of a hoistway landing sill must be 1 1/4 inch.

EXCEPTION 1: Elevators located in school buildings or other buildings specifically identified by local authorities may have a minimum clear distance between walls or between a wall and the door, including the return panel, of 54 inches, and a minimum distance from the wall to the return panel of 51 inches.

EXCEPTION 2: LULA, special purpose, and residential elevators must meet the specifications in ASME A17.1 pertaining to car size.

NEW SECTION

WAC 296-96-02320 What is required for car controls? (1) The following requirements apply to the location of car controls:

- (a) Upon entering an elevator, at least one set of controls must be readily accessible from a wheelchair;
- (b) The centerline of the alarm button and emergency stop switch must be 35 inches;
- (c) Where a side approach is used, the highest floor buttons must be no higher than 54 inches from the floor;
- (d) Where a forward approach is used, the highest floor buttons must be no higher than 48 inches from the floor;
- (e) Emergency controls must be grouped together at the bottom of the control panel and centered at 35 inches;
- (f) Controls unessential to the elevator's operation may be located in a convenient place.

(2) The following requirements apply to the construction of control panels:

(a) Raised or flush floor registration buttons, exclusive of the panel border, must be at least 3/4 inch and arranged from left to right in ascending order.

(b) When pushed, the depth of flush buttons must not exceed 3/8 inch.

(c) Indicator lights must be installed to show each call registered and they must extinguish when a call is answered.

(d) All markings must be located to the left of and adjacent to the car controls on a contrasting color background.

(e) All letters or numbers must be at least 5/8 inches high and must be raised .030 of an inch.

(f) Braille must be used to identify all control buttons. Permanently attached applied plates are acceptable.

(g) Standard ASME A17.1 symbols must be used to identify essential controls.

NEW SECTION

WAC 296-96-02325 What are the location and operation requirements for car position indicators? (1) A visual car position indicator must be located either above the car control panel or above the car door.

(2) As a car passes or stops at a floor, the corresponding floor numbers must light up and a signal must sound.

(3) All numerals must be at least 1/2 inch high.

(4) All audible signals must be at least 20 decibels with a frequency no higher than 1500 Hz.

(5) The automatic announcement of a floor number may be substituted for an audible signal.

NEW SECTION

WAC 296-96-02330 What is required for installation and operation of emergency communication systems?

Every elevator must contain an emergency two-way communication system connecting the elevator with a point outside the hoistway. The installation and operation of this emergency communication system must comply with the ASME A17.1 code in effect when the department issued the elevator's installation permit. In addition to the appropriate ASME A17.1 code, the following department requirements apply:

(1) The maximum height of any operable part of the communication system is 48 inches above the floor.

(2) Raised symbols and letters must identify the communication system. These symbols and letters must be located adjacent to the communication device. The characters used must be:

(a) At least 5/8 inches but no more than 2 inches high;

(b) Raised 1/32 inch;

(c) Upper case;

(d) Sans serif or simple serif type; and

(e) Accompanied by Grade 2 Braille.

(3) If the system is located in a closed compartment, opening the door to the compartment must:

(a) Require the use of only one hand without tight grasping, pinching, or twisting of the wrist; and

(b) Require a maximum force of 5 pounds.

(4) The emergency communication system must not be based solely upon voice communication since voice-only systems are inaccessible to people with speech or hearing impairments. An indicator light must be visible when the telephone is activated. This non-verbal means must enable the message recipient to determine the elevator's location address and, when more than one elevator is installed, the elevator's number.

(5) The emergency communication system must use a line that is capable of communicating with and signaling to a person or service that can respond appropriately to the emergency at all times.

NEW SECTION

WAC 296-96-02340 What requirements apply to the size and location of car handrails? A handrail must be installed on all car walls not used for normal exits. The handrails must be:

(1) Attached to the wall at a height of between 32 and 35 inches from the floor.

(2) Attached to the wall with a 1 1/2 inch space between the wall and the rail;

(3) Constructed with the hand grip portion at least 1 1/4 inches but not more than 2 inches wide;

(4) Constructed with a cross-section shape that is substantially oval or round;

(5) Constructed with smooth surfaces and no sharp corners.

Approaching handrail ends on a blank wall in the interior corners of a car do not have to return to the wall. However, if the handrail is located on the closing door wall of a single-slide or two-speed entrance elevator and it projects an abrupt end towards people entering the car, the handrail end must return to the wall.

NEW SECTION

WAC 296-96-02350 What requirements apply to floor designations on elevator door jambs? Floor designations must be:

(1) Located on both sides of the doorjamb at each hoistway entrance;

(2) Visible from within the car and from the lobby;

(3) Positioned on a centerline height of 60 inches above the floor;

(4) Two inches high and raised 3/10 inch;

(5) Placed on a contrasting color background; and

(6) Accompanied by Grade 2 Braille. Permanently attached applied plates are acceptable.

NEW SECTION

WAC 296-96-02355 What are the installation and operation requirements for hall buttons? (1) The centerline of all hall call buttons must be 42 inches above the floor.

(2) The "UP" direction button must be on top.

(3) Raised or flush direction buttons, exclusive of the panel border, must be a minimum of 3/4 inch in size.

(4) Indicator lights must be installed to show each call registered and they must extinguish when the call is answered.

(5) When pushed, the depth of flush buttons must not exceed 3/8 inch.

NEW SECTION

WAC 296-96-02360 What are the requirements for installation and operation of hall lanterns? (1) A visual and audible signal must be installed at each hoistway entrance. These signals must indicate, to prospective passenger, which car is responding to the call and the direction the car is traveling.

(2) The visual signal for each direction must be at least 2 1/2 inches in size and must be visible from the vicinity of the hall call button.

(3) The audible signal must sound once for "up" and twice for "down".

(4) The centerline of the lantern fixture must be located at least 6 feet above the floor.

(5) Hall lanterns may be located either on the jamb or in the car.

NEW SECTION

WAC 296-96-02365 What is required for physically handicapped lifts? All inclined stairway chairlifts and inclined and vertical wheelchair lifts installed only for use by individuals with disabilities and in locations other than a private residence must be equipped with a standard electric switch Chicago style lock and #2252 key.

Material Lifts

NEW SECTION

WAC 296-96-05010 What is the purpose of the departments rules on material lifts? (1) These rules define a "material lift" as a fixed stationary conveyance that:

(a) Has a car or platform moving in guides;

(b) Serves two or more floors of a building or structure;

(c) Has a vertical rise of at least 5 feet and no more than 60 feet;

(d) Has a maximum speed of 50 feet per minute;

(e) Is not part of a conveying system but is an isolated self-contained lift;

(f) Travels only in an inclined or vertical direction;

(g) Is operated or supervised by an individual designated by the employer;

(h) Is installed in a commercial or industrial area not accessible to the general public; and

(i) May not be operated from within the car.

(2) Material lift installation and operation must comply with chapter 296-155 WAC (Safety standards for construction work).

(3) Material lifts must not carry people so their operation or failure will not endanger people working near them. It establishes requirements for the construction, installation, and operation of material lifts. It allows certain conveyances

designed solely to transport material and equipment to be constructed to less stringent and costly standards than ASME A17.1.

These rules do not apply to conveyances that lack a car (platform) and use rollers, belts, tracks, power conveyors, or similar carrying (loading) surfaces. (See ASME/ANSI B20.1.)

NEW SECTION

WAC 296-96-05020 What requirements apply to the construction and fire safety of hoistway enclosures? Generally, local codes and ordinances govern hoistway enclosure construction. When not in conflict with a local code requirement, the enclosure must:

(1) Be built to a height of 7 feet above each floor, landing and adjacent stairway tread;

(2) Extend (adjacent to the counterweights) the full height of the floor and 8 inches beyond the counterweight raceway;

(3) Be constructed of either solid material or material with openings that will reject a 2-inch diameter ball; and

(4) Be supported and braced so that it does not deflect more than 1 inch when subjected to a force of 100 pounds applied perpendicular at any point.

NEW SECTION

WAC 296-96-05030 What are the construction requirements for hoistway enclosure gates and doors? Enclosure gates (doors) must be constructed according to the following standards:

(1) The gate must guard the full width of each opening on every landing.

(2) It must be built in one of the following styles:

(a) Vertically sliding;

(b) Biparting;

(c) Counter-balanced;

(d) Horizontally swinging; or

(e) Horizontally sliding.

(3) Be constructed of either solid material or material with openings that will reject a 2-inch diameter ball.

(4) Be constructed with a distance of not more than 2 1/2 inches between a hoistway gate or hoistway door face and a landing sill edge.

(5) Be designed and guided to withstand (without being broken, permanently deformed, or displaced from its guides or tracks) a 100 pound lateral pressure applied near its center.

(6) Employ a combination mechanical lock and electrical contact that prevents the operation of the lift when the doors or gates are open.

(7) Construct balanced type vertically sliding gates that extend no more than 2 inches vertically from the landing threshold and no less than 66 inches above it.

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

NEW SECTION

WAC 296-96-05040 What requirements apply to a hoistway that does not extend to the lowest levels of a building or structure? If the space directly below the hoistway is accessible, the following requirements apply:

- (1) All lift counterweights must have safeties.
- (2) All cars and counterweights must have either spring or oil buffers.
- (3) Spring buffers must not fully compress when struck by a car carrying its rated load or by the counterweights when they are moving at the following speeds:
 - (a) For safeties operated by a governor, the tripping speed of the governor is the maximum striking speed.
 - (b) For safeties not operated by a governor, 125 percent of the rated speed is the maximum striking speed.
- (4) Car and counterweight-buffer supports must be able to withstand any impact upon the buffer (without permanent deformation) while occurring at the following speeds:
 - (a) For safeties operated by a governor, the tripping speed of the governor at the rated capacity is the maximum impact speed.
 - (b) For safeties not operated by a governor, 125 percent of the rated speed is the maximum impact speed.

NEW SECTION

WAC 296-96-05050 What requirements apply to lift hoist driving machines? (1) Lift hoist driving machines must be one of the following types:

- (a) Winding drum.
 - (b) Traction.
 - (c) Direct plunger.
 - (d) Hydraulic.
 - (e) Roped or chained hydraulic.
 - (f) Rack and pinion.
 - (g) Roller chain drive.
 - (h) Scissors.
 - (i) Screw.
- (2) Overhead mounted driving machines must either be secured to the top of overhead beams or supported by the floor above. Hooks, cables, chains or similar devices cannot suspend driving machines.
- (3) For traction machines, the diameter of drive sheaves cannot be less than 30 times the diameter of the hoisting cables. The diameters of all other sheaves cannot be less than 21 times this diameter.

NEW SECTION

WAC 296-96-05070 What car enclosure requirements apply to lifts? Lift cars must have their sides enclosed with solid panels or openwork that will reject a 2-inch diameter ball. On the car sides where there is no gate (door), the enclosure must extend to a height of at least 48 inches from the floor. On the car side next to the counterweight runway, the enclosure must extend vertically to the car top or underside of the car crosshead and horizontally to at least 6 inches on each side of the runway.

NEW SECTION

WAC 296-96-05080 How much running clearance is permitted between a car sill and a hoistway? Running clearance between a car sill and a hoistway must not exceed 2 inches.

NEW SECTION

WAC 296-96-05090 What requirements apply to car and counterweight guides? Car and counterweight guide rails must be fastened so they will not deflect more than 1/8 inch. They must also be strong enough to withstand, without deformation, the application of a car safety when the car is carrying its rated load and traveling at its rated speed.

NEW SECTION

WAC 296-96-05100 How much weight can be placed on a car frame and platform during loading and unloading? Car frames and platforms must be designed and constructed to withstand the impact of the maximum weight encountered during loading and unloading.

NEW SECTION

WAC 296-96-05120 What requirements apply to car operating devices, terminal stopping devices and electrical protective devices? If electrically operated, such devices must be enclosed. On lifts driven by winding drum machines, there must be a slack rope device employing an enclosed electric switch (manually reset type) which halts power to the drum and brake when the hoisting rope becomes slack.

NEW SECTION

WAC 296-96-05140 What requirements apply to car safeties? Car safeties must be used on all material lifts that are suspended by wire ropes or chains. They must be able to stop and sustain a car carrying 125 percent of its rated load. On lifts driven by rack and pinion machines:

- (1) Car safeties will consist of a freely rotating safety pinion, an overspeed governor and a safety device which may be mounted on the car.
- (2) The rotating pinion driving an overspeed governor will travel on a stationary rack which is vertically mounted in the hoistway.
- (3) The governor will actuate the safety device when the downward speed of the car reaches the tripping speed and will bring the car to a gradual stop.

NEW SECTION

WAC 296-96-05150 What requirements apply to lift brakes? On electric lifts, brakes must engage by springs and must release electronically. All brakes must have the ability to stop a car and hold it at rest while the car is carrying 125 percent of its rated load. At least one brake must be mounted on the load side of the driving machine's worm shaft. On

PROPOSED

indirectly driven lifts, brakes must engage when the driving mechanism fails.

NEW SECTION

WAC 296-96-05160 What types of ropes, chains, and rope connections must be used on a lift? (1) The following general requirements apply:

(a) Iron (low carbon steel) or steel wire ropes with fiber cores must be used to suspend cars and counterweights.

(b) The minimum safety factor for suspension ropes must be 6 times the manufacturers rated breaking strength per rope.

(c) The car, the counterweight end of the car and the counterweight wire ropes (or the stationary hitch ends where multiple roping is used) must be fastened so that the looped ends of the turned back portion in the rope sockets are clearly visible. Fastenings must either be:

(i) Individual tapered, babbitted rope sockets; or

(ii) Other types of department approved rope fastenings.

(iii) Rope sockets must develop at least 80 percent of the breaking strength of the strongest rope used in the sockets.

(d) U-bolt rope clips (clamps) cannot be used for load fastenings.

(e) A metal or plastic data tag must be securely attached to one of the wire rope fastenings each time the ropes are replaced or re-shackled. The data tag must include:

(i) The diameter of the ropes in inches; and

(ii) The manufacturer's rated breaking strength.

(iii) All replacements of wire rope or chain must be in accordance with the lift manufacturer's specifications.

(2) The following requirements apply to specific types of material lifts:

(a) Traction type lifts must use at least three hoisting ropes.

(b) Owners, operators and installers of lifts suspended by hoisting chains must comply with the chain manufacturer's specifications for maintenance, inspection, and application.

(c) Lifts using roller chain type lifting chains must use chains with a six to one safety factor based on ASME/ANSI B-29.1M minimum (not average) chain strength.

(d) Drum type lifts, must use either at least two hoisting ropes or a secondary as well as a primary load path to the hoist must be employed. Also, the cable secured to the drum must be at least one and one-half turns around the drum when the carrier is at its extreme limit of travel.

NEW SECTION

WAC 296-96-05170 What requirements apply to lift control stations? Lift control stations must be located at each landing out of reach of the lift car. They must have controls that are permanently and clearly labeled by function. The controls must have a stop switch that will halt electrical power to the driving machine and brake. This stop switch must:

(1) Be manually operated;

(2) Have red operating handles or buttons;

(3) Be conspicuously and permanently marked "STOP";
and

(4) Clearly indicate the stop and run position.

NEW SECTION

WAC 296-96-05190 How must lift pits be constructed? Lift pits must:

(1) Have noncombustible floors.

(2) Be designed to prevent the entry of ground water into the pit.

(3) Have floors that are substantially level.

(4) Have drains that are not directly connected to sewers.

(5) Provide safe and convenient access to the pit.

(6) Provide an approved ladder for pits deeper than 3 feet.

(7) Have non-perforated metal guards installed on the open sides of the counterweights where spring, solid or oil type buffers are attached. These guards must:

(a) Extend from a point not more than 12 inches above the pit floor to a point at least 7 feet but not more than 8 feet above the floor.

(b) Be fastened to a properly reinforced and braced metal frame which will be at least equal in strength and stiffness to No. 14 U.S. gauge sheet steel.

(c) Be omitted on the pit side where compensating chains or ropes are attached to the counterweight.

NEW SECTION

WAC 296-96-05200 Which lift landings must be illuminated? All lift landings must be illuminated.

NEW SECTION

WAC 296-96-05210 What signs must be posted on landings and lifts? Each lift must have the following two signs:

(1) A "CAPACITY" sign permanently fastened in the lift car and on each landing. This sign must indicate the rated load of the lift in pounds and be made of metal with 2-inch high black letters on a yellow background.

(2) A "NO RIDERS" sign conspicuously and permanently fastened on the landing side of all hoistway gates (doors) and in the enclosure of each car. This sign must be made of metal with 2-inch high black letters on a red background.

NEW SECTION

WAC 296-96-05220 What electrical wiring standards apply to the construction of lifts? All electrical wiring, installations, and equipment in a hoistway, machine room or machinery space must conform to the National Electrical Code in effect at the time of installation.

NEW SECTION

WAC 296-96-05230 What safety regulations apply to exposed equipment? All exposed gears, sprockets, sheaves, drums, ropes and chains must be covered with guards to protect against accidental contact.

NEW SECTION

WAC 296-96-05240 What are the minimum maintenance requirements for lifts? All owners, or designated owner representatives, of material lifts described in this chapter are responsible for the maintenance of their lifts and parts. Minimum maintenance requirements are:

- (1) All lifts described in this chapter and their parts must be maintained in a safe condition.
- (2) All devices and safeguards that are required by this chapter must be maintained in good working order.

[NEW SECTION]

WAC 296-96-05260 When are inspections required? Inspections are required for each lift installation, alteration or relocation and must be conducted at the completion of the job before the lift is placed into service. The inspection must include a safety test at 125 percent of rated load.

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

NEW SECTION

WAC 296-96-05290 Under what conditions is a five-year test administered? A five-year test of the material lift car and counterweight safety devices must be conducted, and the test must be administered under the following conditions:

- (1) Qualified people will conduct the test. A qualified person is either the representative of a firm that manufactures, installs or services material lifts or a person approved by the department.
- (2) The car safety devices must be tested while the car is carrying a 100 percent rated load and the counterweight at no load.
- (3) A report of the test results must be submitted to the department for approval.

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.

Part C1 - Construction, Operation, Maintenance and Inspection of Inclined Private Residence Conveyance for Transporting Person(s) for Residential Use

NEW SECTION

WAC 296-96-07010 What is the scope of these regulations? The rules in this part are the minimum standard for all new and altered inclined private residence elevator for single family use. The purpose of this part is to provide for the safety of all persons riding in or operating an inclined private residence elevator to ensure that no person in proximity of the elevator will be endangered by its operation or failure.

NEW SECTION

WAC 296-96-07020 What is the definition for inclined private residence elevator? "Inclined private residence elevator" means a device constructed and operated for

transporting people or property from one elevation to another at an angle of inclination of seventy degrees or less from the horizontal. Essentially, it is a car or platform traveling on guides or guiding members in an inclined plane.

NOTE: For purposes of this chapter, devices installed indoors on stairways that utilize chairs to carry passengers are not considered "inclined passenger elevators."

NEW SECTION

WAC 296-96-07030 Does the department approve private residence elevator plans and specifications? Yes. (1) Before commencing construction of any inclined private residence elevator the owner must submit complete plans and specifications to the department for approval.

- (2) Plans and specifications covering the installation of an inclined private residence elevator must be endorsed by a professional engineer before the department will approve the plans.

NEW SECTION

WAC 296-96-07035 What are the minimum maintenance requirements for inclined private residence elevators? Owners of inclined private residence elevator are responsible for the following:

- (1) Maintaining elevators and mechanical parts in a safe condition; and
- (2) Ensuring that all devices and safeguards required by these regulations are maintained in good working order.

NEW SECTION

WAC 296-96-07040 What are the clearance requirements for an incline runway? (1) If the car sides extend less than 6 feet above the floor of the car, there must be no obstruction along the runway within 24 inches of the car sides. **EXCEPTION:** When solid guards are installed on the obstruction in both directions of travel which project at least 14 inches in line with the direction of travel, the running clearance may be reduced to 7 inches. The guard must be arched and the edges rounded to eliminate shear hazard.

- (2) Guiding members and moving parts of the inclined private residence elevator must be kept free of brush and other types of material that might either impede the travel or cause deterioration of the equipment over time.

NEW SECTION

WAC 296-96-07050 What are the construction requirements for car landing enclosures and gates? Any landing enclosures and gates must have:

- (1) A railing at least 42 inches high to protect all landing platforms and those areas of a building used as landing platforms;
- (2) A gate whose height is equal to the height of the railing to protect the passenger landing opening.
 - (a) Gates may either be a horizontally sliding type or a swing type; and

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(b) All gates must be equipped with a latch that holds the gate closed and an electrical contact to prevent movement of the car when a gate is open.

NEW SECTION

WAC 296-96-07060 What types of bumpers and buffers must be installed on inclined private residence elevators? (1) If spring or equivalent type buffers are not being used and rated speeds do not exceed 50 feet per minute, solid bumpers must be installed. Solid bumpers must:

(a) Be built of wood or other suitable resilient material;
 (b) Have the ability to resist deterioration from weather;
 (c) Have sufficient strength to withstand, without failure, the impact of a descending car carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(2) Spring type buffers must be installed when speeds exceed 50 feet per minute. Spring buffers must:

(a) Be built with a minimum stroke of 3/4 inch and with a maximum stroke of 1 1/2 inches;

(b) Not fully compress when struck by a car carrying its rated load or counterweight and traveling at 115 percent of its rated speed.

(3) Cable elevators are not required to have bumpers and buffers except when obstructions are encountered.

NEW SECTION

WAC 296-96-07070 What are the requirements for machinery beams and supports? (1) All machinery and sheaves must be sufficiently secured and supported to prevent any part from becoming loose or displaced. Beams directly supporting machinery must be made of steel, sound timber or reinforced concrete.

(2) Beams and support loads must be computed as follows:

(a) The total load on the beams must be equal to the weight of all apparatus resting on the beams plus twice the maximum load suspended from the beams.

(b) The load resting on the beams must include the complete weights of the driving machine, sheaves, controller, etc.

(c) The load suspended from the beams must include the sum of the tensions in all ropes suspended from the beams.

(3) The elevator driving machine or sheaves must not be fastened to the underside of the supporting beams at the top of the hoistway. EXCEPTION: Cast iron in tension must not be used for supporting members for idler and deflecting sheaves where hung beneath beams.

(4) The factor of safety for beams and supports must be no less than:

(a) Five for steel; and

(b) Six for timber and reinforced concrete.

NEW SECTION

WAC 296-96-07080 What are the load and size requirements for car platforms? (1) The rated load of a platform must not exceed 700 pounds.

(2) The inside net platform area must not exceed 12 square feet. EXCEPTION: the net platform area may be increased by no more than 3 square feet provided that shelves or benches permanently affixed to the car structure reduce the standing area to 12 square feet.

NEW SECTION

WAC 296-96-07090 What is the maximum rated speed of an incline elevator? The maximum rated speed of an incline elevator, measured along the incline, is 75 feet per minute.

NEW SECTION

WAC 296-96-07100 What construction requirements apply to incline elevators? (1) Incline elevator car frames and platforms must

(a) Be built of metal, a combination of metal and wood or other materials of equal strength;

(b) Have a safety factor of at least five; and

(c) Be suitably prepared and/or protected for exposure to weather.

(2) Incline car chassis must:

(a) Be built of metal, except for the guiding members, and

(b) Have a safety factor of at least 5, based upon the car's rated load.

(c) Chassis guiding members must be retained and/or enclosed in guides so that the chassis cannot be derailed.

(3) Cast iron may not be used in the construction of a car frame or chassis.

(4) A car may have only one compartment.

NEW SECTION

WAC 296-96-07110 What construction requirements apply to car enclosures? Car enclosures must be:

(1) Enclosed on all sides, except at the entrance, to a height of at least 42 inches;

(2) Enclosed with a type of material that will reject a 1 1/2 inch diameter ball;

(3) Securely fastened to the car platform so that it cannot become loose or displaced due to ordinary service, application of the car safety, or car contact with a buffer.

(4) Built to withstand a 75 pound pressure, horizontally applied at any point on the wall, without causing a wall deflection that reduces running clearance below 3/4 inch or above 1 inch.

NEW SECTION

WAC 296-96-07120 What construction requirements apply to car doors and gates? All car entrances must be protected by a door or gate. The height of the door or gate must be at least 42 inches and equal to the height of the car enclosure. Doors and gates may be either of a solid design or an openwork design. If of an openwork design, the door or gate must be able to reject a 3-inch diameter ball.

(1) Car doors or gates must be equipped with an electric contact that prevents the elevator from operating unless the door or gate is securely closed. If the gate is a swing type opening outward from the car, the electric contact must not be made until the gate is securely latched.

(2) All car doors or gates must be manually operated.

NEW SECTION

WAC 296-96-07130 What type of glass or plastic can be used in a car enclosure? Weather resistant plastic and tempered safety glass may be used in car enclosures.

NEW SECTION

WAC 296-96-07140 Are capacity and data plates required? (1) The manufacturer must install a weather resistant capacity plate. It must be securely fastened to the car in a conspicuous place and state the car's rated load in pounds using letters at least 1/4 inch high.

(2) The manufacturer must install a metal data plate showing the car's weight, speed, suspension means data, manufacturer's name and date of installation. The data plate must be securely fastened in a conspicuous place in the machine area.

NEW SECTION

WAC 296-96-07150 What are the construction requirements for guide rails, track supports and fastenings? (1) Guides, guide rails, guide rail brackets, splice plates, and fastenings must be made of steel or other metals conforming to the requirements of this section.

(2) Guides, guide rails, guide rail brackets, and their fastenings and supports must, at the point of support, deflect 1/8 inch or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a mid-point between brackets, guide rails must deflect 1/4 inch or less in any direction.

(3) The top and bottom of each guide or guide rail run must not allow a car and counterweight guiding members to travel beyond the guide rail ends.

(4) Guides for cable elevators must have no more stresses and deflection than allowed by the manufacturer's specifications.

NEW SECTION

WAC 296-96-07160 What construction requirements apply to counterweights? (1) Counterweights, where used, must be in a guide or guiding members.

(2) Counterweights must not be of sufficient weight to cause undue slackening of any car hoisting rope or chain during acceleration or retardation of the car. Counterweight weight section must be mounted in structural or formed metal frames which are designed to retain weights securely in place.

EXCEPTION: Counterweights may be constructed of a single metal plate.

NEW SECTION

WAC 296-96-07170 What are the requirements of safeties and governors? (1) All inclined private residence elevators must be equipped with a safety capable of stopping and sustaining a car carrying its rated load.

(a) Elevator safeties must be type "A" or "B" or other devices approved by the department and must be operated by a speed governor.

(b) Elevator safeties must operate independently of governor speed action and without delay when a hoist rope breaks.

(2) Speed governors must operate with the safety set at a maximum speed of 140 percent of rated speed and be located where:

(a) If over-travel occurs, they will not be struck by the car or counterweight;

(b) All parts can freely and fully move; and

(c) They are accessible for a complete examination.

(3) If ropes are used, they must be made of iron, steel, Monel metal or phosphor bronze and be at least 1/4 inch in diameter. Tiller rope construction must not be used.

(4) Motor-control circuits and brake-control circuits must be opened either before the safety applies or at the time it applies.

(5) All safeties must apply mechanically. Electrically operated safeties must not be used.

(6) All winding drum type incline elevators that use rope suspensions must be equipped with a manually reset slack-rope device. During a car's descent, if it is obstructed and the hoisting ropes go slack, the slack-rope device must stop power to the elevator motor and brake

(7) Cast iron must not be used to build any elevator safety part that stops and sustains the elevator.

NEW SECTION

WAC 296-96-07171 How are safeties and governors tested? (1) A safety must be tested before the inclined private residence elevator is put into service. It must be tested while the elevator is carrying its rated load.

(2) Governors on instantaneous type safeties must be tested by hand tripping the governor while the elevator is traveling at its rated speed. Creating sufficient slack in the rope and dropping the elevator is the method of testing speed governors located on a elevator or chassis.

NEW SECTION

WAC 296-96-07180 What are the construction requirements for driving machines and sheaves? (1) Winding drums, traction sheaves, overhead sheaves and deflecting sheaves must:

(a) Be made of cast iron or steel;

(b) Have diameters at least 30 times the diameter of the wire hoisting ropes; and

(c) Have machined rope grooves. EXCEPTION: (1) If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope.

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(2) Existing incline lifts suspended by cables are not required to have machine grooves, except for the first row of cables wrapped on the drum.

(3) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, must be at least:

(a) Eight for driving machines and sheaves built of wrought iron and steel.

(b) Ten for driving machines built of cast iron, cast steel or other materials.

(4) Set screw type fastenings must not be substituted for keys or pins if connections are subject to torque or tension.

(5) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings must not be used.

(b) Worm gears having cast iron teeth must not be used.

(6) Brakes:

(a) Electric brakes must be of the friction type set by springs and must release electrically.

(b) All brakes must be able to stop and hold a elevator carrying 125 percent of its rated load.

(c) At least one brake must be mounted on the load side of the driving machine's worm shaft. On indirectly driven elevators, brakes must engage when the driving machine fails.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet must set the brake.

(7) Driving machines:

(a) A driving machine may be mounted on a elevator chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets must be guarded and positioned so the hoisting ropes and chains remain properly aligned while the elevator is in use.

(b) Screw type machines must not be used.

(c) Hydraulic driving machines must conform to ASME A17.1.

(d) Roped-hydraulic machines may be used.

NEW SECTION

WAC 296-96-07190 What construction requirements apply to terminal stopping switches? A hoistway must be equipped with normal upper and lower terminal stopping switches that are activated by a elevator chassis. These switches must stop the elevator at the normal top and bottom terminals of travel.

(1) A hoistway must be equipped with final terminal stopping switches that are activated by a elevator chassis. These switches must stop the elevator from traveling beyond the normal terminals and prevent it from moving in both directions.

(2) Winding drum machines may use a slack cable switch instead of a bottom final terminal switch.

(3) Normal and final terminal stopping switches must not control the same switches on the controller unless at least two separate and independent switches are used. At least two of

these separate switches must be closed in order to complete the motor and brake circuits for each direction of travel.

NEW SECTION

WAC 296-96-07200 What are the requirements for operation of an inclined private residence elevator? (1) An inclined private residence elevator must be operated by constant pressure or momentary pressure key switches located at each operating station and on the elevator:

(a) The key or code must be entered each time to move the elevator.

(b) Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

(c) On existing installations with key/button operations, the key must be activated each time to energize the operation.

(2) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches must:

(a) Be of a manually opened and manually closed type;

(b) Have red handles or buttons and be conspicuously marked "STOP;"

(c) Open even if springs fail when springs are used.

(3) Design and installation of control and operating circuits must meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting power and applying machine brakes at terminals; stopping elevators when an emergency stop switch is open or when any electrical protective device operates; stopping a machine when the safety applies.

(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.

(4) Hand rope operation must not be used.

NEW SECTION

WAC 296-96-07210 What are the construction requirements for suspension methods? (1) When a chassis is suspended from a driving machine by a wire rope, a single method of suspension may be used. The suspension means may be any one of the following:

(a) Steel elevator wire rope;

(b) Steel aircraft cable; or

(c) Roller chain conforming to ANSI transmission roller chains and sprocket teeth.

(2) Steel tapes must not be used as a suspension method.

(3) The minimum diameter of hoist ropes or cables must be 1/4 inch for elevator wire rope and 3/16 inch for galvanized aircraft cable.

(4) Factor of safety:

(a) The minimum factor of safety for a suspension method is 8 based upon the rope tension while elevating a car carrying its rated load.

(b) In no case, must the rated breaking strength of the rope be less than 4,000 pounds.

(5) The contact arc of a wire rope on a traction sheave must be sufficient to produce adequate traction under all load conditions.

(6) All wire ropes anchored to a winding drum must have at least one full turn of rope on the drum when the car or counterweight reaches its over-travel limit.

(7) The winding-drum ends of car and counterweight wire ropes must be secured by:

- (a) Clamps on the inside of the drum; or
- (b) Return loop; or
- (c) Properly made individual tapered babbitted sockets;

or

(d) Properly attached fittings recommended by wire rope manufacturers.

(e) U-bolt type clamps must not be used.

(8) The ends of wire ropes must be fastened to cars or counterweights by:

(a) Return loop; or

(b) Properly made individual tapered babbitted sockets that conform to ASME A17.1 requirements. (The diameter of the hole in the small end of the socket must not exceed the nominal diameter of the rope by more than 3/32 inch.); or properly attached fittings recommended by wire rope manufacturers.

(c) U-bolt type clamps must not be used.

(9) Rope repair:

(a) Car and counterweight wire ropes cannot be lengthened or repaired by splicing.

(b) If a single wire rope in a set is worn or damaged and needs to be replaced, the entire set must be replaced.

NEW SECTION

WAC 296-96-07220 What are the requirements for traveling cables? (1) All traveling cables must conform to the National Electrical Code (NEC) in effect at the time of installation.

(2) Where circuits through the traveling cable(s) exceed 30 volts, a means must be provided to stop the power automatically if the traveling cables part.

NEW SECTION

WAC 296-96-07230 What requirements apply to electrical wiring? (1) All wiring must conform to the National Electrical Code (NEC) in effect at the time of installation.

(2) If a driving machine is mounted on the elevator chassis, the electrical connections between the elevator and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the elevator and the stationary connections must be insulated flexible conductors conforming to NEC Article 620, Elevators, Dumbwaiters, Escalators, Moving Walks, Wheelchair Lifts, and Stairway Chair Lifts.

NEW SECTION

WAC 296-96-07240 What are the requirements for track supporting structures? All supporting structures must meet the local building codes.

NEW SECTION

WAC 296-96-07250 What additional requirements apply to inclined private residence elevators? (1) All inclined private residence elevators must be equipped with:

(a) A hand crank capable of moving the elevator in accordance with ASME A17.1; and

(b) A machine brake with a lever to release the brake allowing use of the hand crank.

(2) Machinery spaces must be protected from weather and accidental contact.

(3) Guiding members and moving parts of the inclined private residence elevator must be free of brush and other types of material that might either impede the travel or cause deterioration of the equipment over time.

Part C2 - Construction, Operation, Maintenance and Inspection of Private Residence Conveyances for Transporting Property for Residential Use

NEW SECTION

WAC 296-96-08010 What is the scope of these regulations? The rules in this section are the minimum standard for all new, altered, and existing inclined private residence elevators for transporting property for single family use in a private residence. The purpose of this section is to ensure that inclined private residence elevators will be used only for transporting materials and goods, not people, and that no person in proximity of the elevator will be endangered by its operation or failure.

NEW SECTION

WAC 296-96-08020 What is the definition for inclined private residence elevator for transporting property? "Inclined private residence elevator for transporting property" means a device constructed and operated for transporting property from one elevation to another at an angle of inclination of 70 degrees or less from the horizontal. Essentially, it is a car or platform traveling on guides or guiding members in an inclined plane.

NEW SECTION

WAC 296-96-08030 Does the department approve elevators plans and specifications? Yes. (1) Before commencing construction of any inclined private residence elevator for transporting property the owner must submit complete plans and specifications to the department for approval.

(2) Plans and specifications covering the installation of an inclined private residence elevator for transporting prop-

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erty must be endorsed by a professional engineer before the department will approve the plans.

NEW SECTION

WAC 296-96-08035 What are the minimum maintenance requirements for inclined private residence elevators for transporting property? Owners of inclined private residence elevators for transporting property are responsible for ensuring that:

- (1) Elevators and their parts are maintained in a safe condition; and
- (2) All devices and safeguards required by these regulations are maintained in good working order.

NEW SECTION

WAC 296-96-08050 What are the construction requirements for inclined private residence elevator for transporting property for cars, landing gates, and enclosures? (1) Any landing enclosure must have a railing at least 42 inches high to protect all landing platforms and those areas of a building used as landing platforms.

(2) Where gates are not provided at the entrance to the platform, a chain with a sign must be provided to block the landing entrance. The sign must state "Keep off landing until elevator has stopped at platform."

- (3) If gates are provided, they must be:
 - (a) Either be a horizontally sliding type or a swing type; and
 - (b) Equipped with a latch that holds the gate closed and an electrical contact to prevent movement of the elevator when a gate is open.

NEW SECTION

WAC 296-96-08060 What types of bumpers and buffers must be installed inclined private residence elevator for transporting property? Solid bumpers or spring type buffers may be used. (1) Solid bumpers must:

- (a) Be built of wood or other suitable resilient material;
 - (b) Have the ability to resist deterioration from weather;
 - (c) Have sufficient strength to withstand, without failure, the impact of a descending elevator carrying its rated load or counterweight and traveling at 115 percent of its rated speed.
- (2) Spring type buffers, if used, must:
- (a) Be built with a minimum stroke of 3/4 inch and with a maximum stroke of 1 1/2 inches;
 - (b) Not fully compress when struck by the elevator carrying its rated load or counterweight and traveling at 115 percent of its rated speed.
- (3) Cable elevators are not required to have bumpers and buffers except when obstructions are encountered.

NEW SECTION

WAC 296-96-08070 What are the requirements for machinery beams and supports? (1) All machinery and sheaves must be sufficiently secured and supported to pre-

vent any part from becoming loose or displaced. Beams directly supporting machinery must be made of steel, sound timber or reinforced concrete.

(2) Beams and support loads must be computed as follows:

(a) The total load on the beams must be equal to the weight of all apparatus resting on the beams plus twice the maximum load suspended from the beams.

(b) The load resting on the beams must include the complete weights of the driving machine, sheaves, controller, etc.

(c) The load suspended from the beams must include the sum of the tensions in all ropes suspended from the beams.

(3) The elevator driving machine or sheaves shall not be fastened to the underside of the supporting beams at the top of the hoistway. EXCEPTION: Cast iron in tension must not be used for supporting members for idler and deflecting sheaves where they are hung beneath beams.

(4) The factor of safety for beams and supports must be no less than:

- (a) Five for steel;
- (b) Six for timber and reinforced concrete.

NEW SECTION

WAC 296-96-08080 What are the load and size requirements for car platforms? (1) The rated load of a platform must not exceed 5,000 pounds.

(2) The rated load of the platform must be no less than the load to be carried and must not exceed 50 pounds per square foot of inside net platform area.

NEW SECTION

WAC 296-96-08090 What is the maximum rated speed of an incline elevator? The maximum rated speed of an incline elevator, measured along the incline, is 75 feet per minute.

NEW SECTION

WAC 296-96-08100 What construction requirements apply to incline elevators? (1) Incline elevator frames and platforms must:

(a) Be built of metal, a combination of metal and wood or other materials of equal strength;

(b) Have a safety factor of at least 5; and

(c) Be suitably prepared and/or protected for exposure to weather.

(2) Incline elevator chassis must:

(a) Be built of metal, except for the guiding members, and

(b) Have a safety factor of at least 5, based upon the elevator's rated load.

(c) Have the chassis guiding members retained and/or enclosed in guides so that the chassis cannot be derailed.

(3) Cast iron may not be used in the construction of the elevator frame or chassis.

(4) A car may have only one compartment.

NEW SECTION

WAC 296-96-08110 What construction requirements apply to car enclosures? (1) Car enclosures are not required; however, if provided, the car enclosure must be:

(a) Securely fastened to the car platform so that it cannot become loose or displaced due to ordinary service, application of the elevator safety, or from the elevator coming into contact with the buffer.

(b) Built to withstand a 75 pound pressure, horizontally applied at any point on the wall, without causing a wall deflection that reduces running clearance below 3/4 inch or above 1 inch.

(2) If glass or plastic is used in the car enclosure, it must be weather resistant plastic or tempered safety glass.

(3) Where there is no car enclosure, a means must be provided to secure all materials to the platform.

NEW SECTION

WAC 296-96-08140 Are capacity and data plates required on inclined private residence elevator for transporting property? (1) The manufacturer must install a weather resistant capacity plate. It must be securely fastened to the elevator in a conspicuous place and state the elevator's rated load in pounds using letters at least 1/4 inch high.

(2) The manufacturer must install a metal data plate showing the elevator's weight, speed, suspension means data, manufacturer's name and date of installation. The data plate must be securely fastened in a conspicuous place in the machine area.

NEW SECTION

WAC 296-96-08150 What are the construction requirements for guide rails, track supports and fastenings? (1) Guides, guide rails, guide rail brackets, splice plates, and fastenings must be made of steel or other metals conforming to the requirements of this section.

(2) Guides, guide rails, guide rail brackets, and their fastenings and supports must, at the point of support, deflect 1/8 inch or less while resisting horizontal forces encountered during loading. When horizontal force is measured at a mid-point between brackets, guide rails must deflect 1/4 inch or less in any direction.

(3) The top and bottom of each guide or guide rail run must not allow the elevator and counterweight guiding members to travel beyond the guide rail ends.

(4) Guides for cable elevators must have no more stresses and deflection than allowed by the manufacturer's specifications.

NEW SECTION

WAC 296-96-08160 What construction requirements apply to counterweights? (1) Counterweights, where used, must be in a guide or track.

(2) Counterweights must not be of sufficient weight to cause undue slackening of any elevator hoisting rope or chain during acceleration or retardation of the elevator. Counter-

weight weight section must be mounted in structural or formed metal frames which are designed to retain weights securely in place.

EXCEPTION: Counterweights may be constructed of a single metal plate.

NEW SECTION

WAC 296-96-08170 What are the requirements of safeties and governors? (1) All inclined private residence elevators for transporting property must have a slack cable safety device capable of stopping and sustaining a car carrying its rated load.

(2) Other types of approved safety devices may be used. If so, such devices must meet the requirements of WAC 296-96-7170.

NEW SECTION

WAC 296-96-08175 How are elevator safeties tested? The elevator safety must be tested before the inclined private residence elevators for transporting property is put into service. It must be tested while the elevator is carrying its rated load.

NEW SECTION

WAC 296-96-08180 What are the construction requirements for driving machines and sheaves? (1) All new winding drums, traction sheaves, overhead sheaves and deflecting sheaves must:

(a) Be made of cast iron or steel.

(b) Have diameters at least 30 times the diameter of the wire hoisting ropes. EXCEPTION: If 8 x 19 steel ropes are used, drum and sheave diameters may be reduced to 21 times the diameter of the hoisting rope.

(c) Have machined rope grooves.

(2) The factor of safety, based on the static load (the rated load plus the weight of the car, ropes, counterweights, etc.) to be used in the design of driving machines and sheaves, must be at least 5.

(3) Set screw type fastenings must not be substituted for keys or pins if connections are subject to torque or tension.

(4) Gears:

(a) When connecting drums or sheaves to the main driving gear, friction gears, clutch mechanisms or couplings must not be used.

(b) Worm gears having cast iron teeth must not be used.

(5) Brakes:

(a) Electric brakes must be of the friction type set by springs and must release electrically.

(b) All brakes must be able to stop and hold a car carrying 125 percent of its rated load.

(c) At least one brake must be mounted on the load side of the driving machine's worm shaft. On indirectly driven lifts, brakes must engage when the driving machine fails.

(d) If a single ground or short-circuit, a counter-voltage or a motor field discharge occurs and the operating device is set in the stop position, the brake magnet must set the brake.

(6) Driving machines:

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(a) A driving machine may be mounted on a elevator chassis or in a remote location. However, if mounted in a remote location, all sheaves and sprockets must be guarded and positioned so the hoisting ropes and chains remain properly aligned while the elevator is in use.

(b) Screw type machines must not be used.

(c) Hydraulic driving machines must conform to ASME A17.1.

(d) Roped-hydraulic machines may be used.

(a) Rack and pinion drive may be used.

EXCEPTION: Existing inclined private residence elevators for transporting property may use wrapped cable drums as long as they do not show signs of excessive wear.

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

NEW SECTION

WAC 296-96-08190 What construction requirements apply to terminal stopping switches? A hoistway must be equipped with normal upper and lower terminal stopping switches that are activated by the elevator chassis. These switches must stop the elevator at the normal top and bottom terminals of travel.

(1) Winding drum machines may use a slack cable switch as a bottom final terminal switch.

(2) Normal and final terminal stopping switches must not control the same switches on the controller unless at least two separate and independent switches are used. At least two of these separate switches must be closed in order to complete the motor and brake circuits for each direction of travel.

NEW SECTION

WAC 296-96-08200 What are the requirements for operation of an inclined private residence elevators for transporting property? (1) An inclined private residence elevators for transporting property must be operated by constant pressure or momentary pressure key switches located at each operating station/landing:

(a) The key or code must be entered each time to move the elevator.

(b) Key-operated switches must be of the spring return type and must be operated by a weatherproof cylinder type lock having not less than five pin or five disc combination with the key removable only when the switch is in the off position.

(c) On existing installations with key/button operations, the key must be activated each time to energize the operation.

(2) Emergency stop switches must be provided on or adjacent to the operating station. Stop switches must:

(a) Be of a manually opened and manually closed type;

(b) Have red handles or buttons and be conspicuously marked "STOP;"

(c) Open even if springs fail when springs are used.

(3) Design and installation of control and operating circuits must meet the following:

(a) Control systems based upon the completion or maintenance of an electric circuit must not be used for interrupting

power and applying machine brakes at terminals, stopping elevators when an emergency stop switch is open or when any electrical protective device operates, or for stopping a machine when the safety applies.

(b) If springs are used to activate switches, contact, or circuit breaking relays to stop the elevator at a terminal, the springs must be a restrained compression type.

(4) Hand rope operation must not be used.

NEW SECTION

WAC 296-96-08210 What are the construction requirements for suspension methods? (1) When a chassis is suspended from a driving machine by a wire rope, a single method of suspension may be used. The suspension means may be any one of the following:

(a) Steel elevator wire rope;

(b) Steel aircraft cable; or

(c) Roller chain conforming to ANSI transmission roller chains and sprocket teeth.

(2) Steel tapes must not be used as a suspension method.

(3) The minimum diameter of hoist ropes or cables must be 3/8 inch for elevator wire rope and 3/16 inch for galvanized aircraft cable.

(4) Factor of safety:

(a) The minimum factor of safety for a suspension method is 5 based upon the rope tension while elevating the elevator carrying its rated load.

(b) In no case, must the rated breaking strength of the rope be less than 4,000 pounds.

(5) The contact arc of a wire rope on a traction sheave must be sufficient to produce adequate traction under all load conditions.

(6) All wire ropes anchored to a winding drum must have at least one full turn of rope on the drum when the car or counterweight reaches its over-travel limit.

(7) The winding-drum ends of car and counterweight wire ropes must be secured by:

(a) Clamps on the inside of the drum;

(b) Return loop;

(c) Properly made individual tapered babbitted sockets; or

(d) Properly attached fittings recommended by wire rope manufacturers. U-bolt type clamps must not be used.

(8) The ends of wire ropes must be fastened to cars or counterweights by:

(a) Return loop;

(b) Properly made individual tapered babbitted sockets that conform to ASME A17.1 requirements (The diameter of the hole in the small end of the socket must not exceed the nominal diameter of the rope by more than 3/32 inch.); or

(c) Properly attached fittings recommended by wire rope manufacturers. U-bolt type clamps must not be used.

(9) Rope repair:

(a) Car and counterweight wire ropes cannot be lengthened or repaired by splicing.

(b) If a single wire rope in a set is worn or damaged and needs to be replaced, the entire set must be replaced.

(10) A metal or plastic data tag must be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag must include:

- (a) The diameter of the ropes in inches; and
- (b) The manufacturer's rated breaking strength.

(2) Machinery spaces must be protected from weather and accidental contact.

(3) Metal signs stating "NO RIDERS" in two-inch letters must be conspicuously posted and permanently attached to the elevator and at each landing.

NEW SECTION

WAC 296-96-08220 What are the requirements for traveling cables? (1) All traveling cables must conform to the National Electrical Code (NEC) in effect at the time of installation.

(2) Where circuits through the traveling cable(s) exceed 30 volts, a means must be provided to stop the power automatically if the traveling cables part.

NEW SECTION

WAC 296-96-08230 What requirements apply to electrical wiring? (1) All wiring must conform to the National Electrical Code (NEC) in effect at the time of installation.

(2) If a driving machine is mounted on the elevator chassis, the electrical connections between the elevator and the power source must be able to stop power if a traveling cable parts.

(3) All electrical connections between the elevator chassis and the stationary connections must be insulated flexible conductors conforming to NEC Article 620, Elevators, Dumbwaiters, Escalators, Moving Walks, Wheelchair Lifts, and Stairway Chair Lifts.

NEW SECTION

WAC 296-96-08240 What are the requirements for track supporting structures? All supporting structures must meet the local building codes.

NEW SECTION

WAC 296-96-08250 What additional requirements apply to inclined private residence elevators for transporting property? (1) All inclined private residence elevators for transporting property must be equipped with:

- (a) A hand crank capable of moving the elevator in accordance with ASME A17.1; and
- (b) A machine brake with a lever to release the brake allowing use of the hand crank.

NEW SECTION

WAC 296-96-11001 What regulations apply to belt manlifts prior to 1974?

Part C3 - Temporary Hoists

Personnel Hoists

NEW SECTION

WAC 296-96-09001 What regulations apply to personnel hoists? All personnel hoists installed must comply with the American National Standard Institute ANSI A10.4-1990 edition or the latest published edition adopted by ANSI, Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations.

NEW SECTION

WAC 296-96-09002 Can a drop plate be used for temporary hoists? Drop plates for temporary hoists may be allowed provided that they are permanently attached to the elevator.

Material Hoists

NEW SECTION

WAC 296-96-10001 What regulations apply to material hoists? All material hoists must comply with the American National Standard Institute ANSI A10.5-1992 edition or the latest published edition adopted by ANSI, Safety Requirements for Material Hoists.

PART C4 - Additional Types of Conveyances

Belt Manlifts

NEW SECTION

WAC 296-96-11000 What regulations apply to belt manlifts after 1974? All belt manlifts must comply with the USAS A90-1969.

PROPOSED

BELT MANLIFT CODE

TITLE	EFFECTIVE DATES		COMMENTS
	FROM	TO	
Existing Belt Manlifts	1962	1974	Used as existing standard for belt manlifts installed in years effective.

NEW SECTION

WAC 296-96-11010 What are the definitions for belt manlifts? "Closed type handhold" a cup-shaped handhold with the handgrip surface uncovered in the direction of travel and covered on the opposite run.

"Factor of safety" is the ratio of the ultimate strength of the material used to manufacture a part to the allowable stress on that part when it is subjected to full load operating conditions.

"Handhold" or **"Handgrip"** is the device attached to the manlift belt to assist a passenger in maintaining balance when using the manlift. For the purposes of this chapter, the word "handhold" is used for both "handhold" and "handgrip."

"Limit switch" is a safety device that stops power to the manlift motor and applies the brakes if a loaded step passes the top terminal landing.

"Manlift" is a device using a power-driven, endless belt with attached handholds and steps or platforms to transport people from floor to floor.

"Open type handhold" is a handhold with a fully uncovered handgrip surface.

"Rated speed" is the operating speed for which a manlift is designed and installed.

"Step" or **"Platform"** is the passenger carrying part of a manlift. For the purposes of this chapter, the word "step" is used for both "step" and "platform".

NEW SECTION

WAC 296-96-11016 What structural requirements apply to belt manlift landings? (1) Vertical clearance between the floor or mounting platform and the lower edge of the conical guard above it must be at least 7 feet, 6 inches. When this clearance is not possible, access to the manlift must be prohibited and the space where the runway passes through the platform floor must be enclosed.

(2) Floor space adjacent to floor openings must be kept clear and free of obstructions at all times.

(3) Adequate lighting (not less than 3 foot-candle power) must be provided at each floor landing whenever the lift is in use.

(4) The landing surfaces at all entrances and exits must provide safe footing and must have a coefficient of friction of at least 0.5 to help insure safe footing.

(5) Emergency landings must be provided so that the maximum distance a person must travel on the emergency ladder between an emergency landing and a floor landing is 25 feet. Emergency landings must:

- (a) Be accessible from both runs of the lift;
- (b) Give access to the emergency ladder; and
- (c) Be completely enclosed with a standard railing and toeboard.

NEW SECTION

WAC 296-96-11019 What structural requirements apply to belt manlift landings? (1) On the ascending side of

the lift, all landings must have a beveled guard or cone that meets the following requirements:

(a) Where possible, a cone must make an angle with the horizontal of at least 45 degrees. A cone angle of 60 degrees or more must be used where ceiling heights permit.

(b) Where possible, a guard must extend at least 42 inches outward from any belt handhold. A guard must not extend beyond the upper surface of the floor above.

(c) A cone must be built of sheet steel (at least No. 18 U.S. gauge) or any material of equivalent strength or stiffness. The lower edge of a cone must be rolled to a minimum diameter of 1/2 inch. The interior of a cone must be smooth with no protruding rivets, bolts or screws.

(2) All obstructions must be guarded just like floor openings with the same minimum distances observed.

NEW SECTION

WAC 296-96-11022 What requirements apply to guarding lift entrances and exits? (1) All manlift floor or landing entrances and exits must be guarded by either a maze (staggered railing) or a handrail equipped with self-closing gates.

(2) When a maze is used:

(a) Maze or staggered openings must not allow direct passage between a platform enclosure and the outer floor space.

(b) Rails must be located between 2 and 4 feet from the edge of the opening as measured at right angles to the face of the belt.

(c) At openings, the intersection of the top rail and the end post must form a bend or standard long sweep "ell".

(3) When a handrail is used:

(a) Rails must be standard guardrails with toeboards and meet general safety standards;

(b) Gates must have rounded corners, open outward, and be self-closing.

(4) Unless prevented by building design, all entrances and exits at all landings must be in the same relative location.

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

NEW SECTION

WAC 296-96-11025 What structural requirements apply to floor opening guards? Except on the entrance or exit side, floor openings at each landing must be guarded.

(1) The guards must be constructed by one of the following methods:

(a) A standard railing and toeboard;

(b) Panels of wire mesh (not less than No. 10 U.S. gauge);

(c) Panels of expanded metal (not less than No. 13 U.S. gauge);

(d) Panels of sheet metal (not less than No. 13 U.S. gauge); or

(e) Metal on a frame of either angle iron (at least 1 1/4 by 1 1/8 inch) or 1 1/4 inch iron pipe.

(2) When a belt manlift is installed in a stairwell, a standard guardrail must be placed between the floor openings and the stairway.

(3) Rails or guards must be:

(a) At least 42 inches high on the up-running side and 66 inches high on the down-running side; and

(b) Be located not more than one foot from the edge of the floor opening.

(4) If a guardrail is used, the section of the guard above the rail may be constructed:

(a) According to WAC 296-96-10025(1); or

(b) Using either vertical or horizontal bars capable of rejecting a 6-inch diameter ball.

NEW SECTION

WAC 296-96-11028 What structural requirements apply to floor landing guards? Expanded metal, sheet metal or wooden guards must be installed on each floor landing to prevent people from placing their hands in areas where step-rollers operate. These guards must be installed on each exposed side of the lift and extend from the floor to a height of 7 feet.

NEW SECTION

WAC 296-96-11031 What requirements apply to bottom landings? (1) Bottom landing clear areas:

(a) Where possible, the clear area of a bottom landing must be at least the size of the area enclosed by guardrails on the floors above;

(b) A clear area must be free of stairs and ladders;

(c) If a wall on the bottom landing is located in front of the down-running side of the belt, it must be installed at least 48 inches away from the belt face.

(2) The lowest landing served by the lift must support the lower (boot) pulley installation.

(3) A mounting platform must be installed on the lowest landing unless the landing floor is at or above the point at which the upper surface of the belt steps assume or leave a horizontal position.

(4) If a mounting platform is installed, it must be located in front of or to one side of the up/down run.

NEW SECTION

WAC 296-96-11034 What requirements apply to top clearance? (1) When the center of the head pulley is more than 6 feet above the top landing, an emergency landing and ladder must be installed.

(2) The location of the emergency landing must be 24 inches below the center of the head pulley.

NEW SECTION

WAC 296-96-11037 What requirements apply to emergency exit ladders? Emergency exit ladders must be:

(1) A fixed metal type;

(2) Accessible from either the "up" or "down" path of the lift;

(3) Installed when the vertical distance between landings exceeds 20 feet; and

(4) Constructed to comply with current general safety standards except enclosed cages need not be built.

NEW SECTION

WAC 296-96-11040 What lighting requirements apply to belt manlifts? (1) When a lift is in operation, both runs must be illuminated at all points with an intensity of at least one foot-candle.

(2) Lighting control in runways must be by:

(a) Circuits tied permanently into the building circuits (no switches);

(b) The starting switch that controls the lift motor; or

(c) Separate switches located on every landing and with each switch having the capability of turning on all lights throughout the entire runway.

NEW SECTION

WAC 296-96-11045 What drive machine requirements apply to belt manlifts? (1) Belt manlifts must be driven either by directly connected machines or by multiple "V" belts.

(2) Cast iron gears must not be used.

(3) Brakes:

(a) On direct connected machines, the brake must be mechanically applied to the motor shaft and released electronically.

(b) On "V" belt driven machines, the brake must be mechanically applied to the input shaft and released electronically.

(c) All brakes must be capable of stopping and holding the lift while carrying its rated capacity.

(4) Belts fastening:

(a) Belts must be fastened either by a lapped splice or a butt splice with a strap on the belt side opposite the pulley.

(b) For lapped splices on manlifts with travel distances not exceeding 100 feet, the overlap of the belt at the splice must be at least 3 feet; or

(c) For lapped splices exceeding 100 feet, the overlap at the splice must be at least 4 feet.

(d) For butt splices on manlifts with travel distances not exceeding 100 feet, the strap must extend at least 3 feet on one side of the butt; or

(e) For butt splices not exceeding 100 feet, the strap must extend at least 4 feet on one side of the butt.

(f) For 12-inch belts, the joint must be fastened with a minimum of 20 special elevator bolts with minimum diameters of 1/4 inch. To effectively cover the belt joint area, these bolts must be arranged symmetrically in 5 rows.

(g) For a 14-inch belt, the minimum number of bolts is 23.

(h) For a 16-inch belt, the minimum number of bolts is 27.

(5) All installations must use machines designed and constructed to hold the driving pulley when there is shaft failure or overspeed.

PROPOSED

NEW SECTION

WAC 296-96-11048 What is an acceptable operating speed for a belt manlift? The maximum belt speed of a belt manlift is 80 feet per minute. No belt manlift can be installed that exceeds this maximum speed limit, and all belt manlifts in a given location should run at approximately the same speed.

NEW SECTION

WAC 296-96-11051 What are the construction requirements for steps? (1) Measured from the belt to the edge of the step, the minimum depth of a step is 12 inches and the maximum depth is 14 inches.

(2) Step width cannot be less than the width of the belt to which it is attached.

(3) Measured from the upper surface of one step to the upper surface of the next step above, the distance between steps must be at least 16 feet and the steps must be equally spaced along the belt.

(4) A step must be attached to the belt so its surface approximates a right angle with the face of the belt enabling the step to travel in basically a horizontal position with the "up" and "down" path of the belt.

(5) The working (upper) surface of a step must be made of either a material having non-slip characteristics (possessing a coefficient of friction of not less than 0.5) or be completely covered with a securely attached non-slip tread.

(6) Step supports (frames) and guides must be sufficiently strong to prevent:

- (a) The disengagement of any step roller;
 - (b) Any appreciable misalignment; or
 - (c) Any visible deformation of the step or its support.
- (7) Steps must have corresponding handholds.

(8) If a step is removed for any reason, the handholds immediately above and below it must be removed before the lift resumes operation.

NEW SECTION

WAC 296-96-11054 What requirements apply to the location and construction of handholds? (1) Handholds attached to the belt must be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These handholds must be available on both the "up" and "down" run of the belt.

(2) All handhold grab surfaces must be at least 4 1/2 inches in width. Fastenings must not come within one inch of the belt edge.

(3) All handholds must be capable of withstanding, without damage, a 300 pound load applied parallel to the belt run.

(4) All handholds must have corresponding steps. When a handhold is removed for any reason, the corresponding step and handhold for the opposite direction of travel must also be removed before the lift resumes operation.

NEW SECTION

WAC 296-96-11057 What requirements apply to "up-limit stops"? (1) Two separate automatic stop devices must be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. On of these devices must consist of a switch mechanically operated by the belt or stop roller. The second consist of any of the following:

(a) A roller switch located above but not in line with the first switch.

(b) A photocell and light source (an "electric eye").

(c) A switch activated by a lever, rod or plate. (If a plate is used, it should be positioned above the head pulley so it barely clears a passing step.)

(2) The stop device must stop the lift before a loaded step reaches a point 24 inches above the top terminal landing.

(3) Once the lift has stopped, the automatic stop device must be manually reset. Therefore, this device must be located on the top landing where the reset person has a clear view of both the "up" and "down" runs of the lift; and it must be impossible to reset from a step.

(4) Electric stop devices must meet the following requirements:

(a) All electric switches that directly open the main motor circuit must be multiple type switches;

(b) Photoelectric devices must be designed and installed so that failure of the light source, the light sensitive element or any vacuum tube used in the circuit will result in shutting off power to the driving motor.

(c) In areas where flammable vapors or dust may be present, all electrical installations must be in accordance the NEC requirements for those installations;

(d) All controller contacts carrying main motor current must be copper to carbon types unless the circuit is simultaneously broken at two or more points or the contacts are immersed in oil.

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

NEW SECTION

WAC 296-96-11060 What requirements apply to emergency stops? All belt manlifts must have emergency stop devices that:

(1) Are located within easy reach of the "up" and "down" run of the belt;

(2) Stop power to the lift and apply the lift brake when pulled in the direction of travel;

(3) Have a treadle switch (manual re-set type) that is located below the lowest landing on the belt's "down" side and, if a person fails to get off at the lowest landing, stops the lift and ejects the person from the step as it approaches the boot pulley.

(4) Are made of cotton rope with a wire center, manila or sisal rope, or metal pipe or tubing. Wire rope cannot be used, unless covered with marlin. Rope stops must be at least 3/8 inch in diameter.

(5) An emergency stop may be used for normal stopping and starting if the lift does not run continuously.

NEW SECTION

WAC 296-96-11066 What are the warning sign requirements? (1) Instructional signs explaining how to use the belt lift must be:

(a) Conspicuously posted on each landing or stenciled on the belt;

(b) Printed in an easily read style with letters at least one inch in height;

(c) Printed in a color that clearly contrasts with the background surface (for example, white or yellow on black or black on white or gray).

(d) Examples of instructional signs are:

"Face the belt"

"Use the handhold"

"To stop - pull rope"

(2) Warning signs and/or lights must include an illuminated sign or red warning light announcing the top floor and must be within easy view of an ascending passenger.

(a) If a sign, it must be located no more than 2 feet above the top terminal landing and printed in block letters (at least 2-inches in height) displaying the words, "Top floor - get off."

(b) If a red light, it must have at least a 40-watt rating and be located immediately below the upper terminal landing where it will shine in the belt passenger's face.

(3) There must be conspicuous signs on each landing that read, "Employees only - Visitors keep off," printed in block letters (at least 2-inches in height) in a color that sharply contrasts with the background.

(4) A sign or red light must be conspicuously posted above the bottom landing announcing its approach. These must be:

(a) If a sign, printed in block letters (at least two-inches in height) that sharply contrast with the background and reads, "Bottom floor - get off".

(b) If a light, rated at least forty watts.

(5) An electronic warning buzzer must be installed 5 feet above the bottom landing on the down side of the belt to warn belt riders of the approaching landing. This warning buzzer must be automatically activated by load weight on a step.

NEW SECTION

WAC 296-96-11070 Can you carry tools and materials on a belt manlift? (1) No freight or packaged goods may be carried on any manlift;

(2) No pipe, lumber, or other construction materials may be handled on any manlift;

(3) No tools except those which will fit entirely within a pocket of ordinary working clothes may be carried on any manlift, except as follows::

(a) Tools may be carried in a canvas bag not larger than 11 inches by 13 inches;

(b) The bag must have a leather bottom;

(c) The bag must have loops or handles to be carried in the passenger's hand while riding the manlift. Shoulder straps are prohibited.

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

NEW SECTION

WAC 296-96-11078 What is required for belt manlift inspections? (1) All manlifts must be inspected by a qualified person, designated by the lift's owner, at least once every 30 days.

(2) The inspection must cover (but is not limited to) the following items:

- Belt and belt tension
- Bottom (boot) and pulley
- Brake
- Clearance
- Drive pulley
- Driving mechanism
- Electrical switches
- Guardrails
- Handholds and fastenings
- Lubrication
- Motor
- Pulley supports
- Rails, rail supports and fastenings
- Rollers and slides
- Signal equipment
- Steps and fastenings
- Warning signs and lights

(3) A written record must be kept of results of each inspection, and it must be made available to all inspectors.

Hand-powered Manlifts

NEW SECTION

WAC 296-96-14010 What is the scope and application of the department's hand-powered manlift rules? WAC 296-96-14010 through 14080 apply to the installation, design, and use of all one-person capacity, hand powered, counterweighted elevators that must be inspected according to Chapter 70.87 RCW.

NEW SECTION

WAC 296-96-14020 What construction requirements apply to hoistway landings and entrances? (1) Every hoistway landing must be protected on all sides other than the landing opening side with a standard guard rail and intermediate guard rail. All landing except the bottom landing must have a toe board installed on all sides except the landing opening side.

(2) All hoistway entrances must be not less than 6 feet 6 inches in height and in no case may the width exceed the corresponding car dimensions.

(3) All hoistway entrances must be provided with an approved maze or with a hoistway gate which must:

PROPOSED

- (a) Be at least 36 inches in height.
 - (b) Extend downward to within one inch of the landing sill.
 - (c) Be of the self-closing type, designed to swing horizontally out from the hoistway and closing against a full jam stop.
 - (d) Be located within 4 inches of the edge of the landing sill.
 - (e) Have a "DANGER" sign conspicuously posted on the landing side of the hoistway gate.
 - (f) Withstand a 250 pound horizontal thrust.
- (4) On new installations, all projections extending inwardly from a hoistway enclosure at the entrance side of the car platform must be beveled and guarded on their underside by a smooth solid material set at an angle of not less than 60 degrees nor more than 75 degrees from the horizontal when cars are not equipped with gates.

NEW SECTION

WAC 296-96-14025 What are acceptable hoistway clearances? (1) The minimum clearance between a car side and the hoistway enclosure is one inch.

(2) The clearance between a car platform and a landing sill must be at least 1/2 inch but not more than 1 1/2 inches.

NEW SECTION

WAC 296-96-14030 Can there be a habitable space beneath an elevator hoistway or counterweight shaft? There must not be habitable space below an elevator hoistway or counterweight shaft unless the floor above the space can withstand the impact of a freely falling hoistway car or counterweight dropping on it.

NEW SECTION

WAC 296-96-14035 What construction requirements apply to hoistway guide rails? (1) There must be a minimum of two opposing guide rails extending to a point six inches beyond the full height of travel of the car when the counterweight buffer is fully compressed.

(2) All rails must be attached by bolts, lag screws or other approved methods to a vertical supporting member which must not exceed 1/2 inch deflection with the application of a 250 pound horizontal thrust at any point.

(3) Wood guide rails must be at least 1 1/2 inch by 1 1/2 inch vertical grain fir or equivalent and must not vary more than 3/16 inch in thickness on the sides which the brakes contact. All joints must be kept smooth and even.

NEW SECTION

WAC 296-96-14040 What installation requirements apply to buffer springs? (1) All new installations must have spring buffers installed below the car and counterweights.

(2) All installations must have spring buffers attached below the counterweights.

(3) Hoisting ropes must not allow a car platform to be more than 8 inches above the top landing when the counterweight buffer spring is fully compressed.

NEW SECTION

WAC 296-96-14045 What construction specifications apply to hoistway cars? (1) The car must be built to the following specifications:

(a) The car platform must be no greater than 30 inches on either side (6.25 square feet area).

(b) The car frame and platform must be of steel or sound seasoned wood construction and be designed with a safety factor of not less than 4 for metal and 6 for wood, based on a maximum capacity of 250 pounds.

(c) All frame members must be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts must be used.

(d) Where wooden frame members are bolted, large washers or metal plates must be used to minimize the possibility of splitting or cracking the wood.

(2) The sides of the car must be enclosed by a minimum of 2 safety guard rails with the top rail not less than 36 inches nor more than 42 inches from the car floor. Rails must sustain a horizontal thrust of 250 pounds. If solid material is used, it must be smooth surfaced and not less than 1/2 inch thickness, if wood; not less than 16 gauge thickness, if steel; and must be constructed from the car floor to a height of not less than 3 feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate must drop into locking slots or be provided with a positive locking type latch capable of withstanding 250 pounds horizontal thrust.

(3) Every car must have a substantial protective top. The front half may be hinged. The protective top may be made from No. 9 U.S. wire gauge screen, No. 11 gauge expanded metal, No. 14 gauge sheet steel, 3/4 inch or heavier plywood. If made of wire screen or metal, the openings must reject a 1/2 inch diameter ball.

(4) Every car must have a proper rack to hold the balance weights.

(5) A sign bearing the following information must be conspicuously posted within the car:

- (a) Total load limit in pounds;
- (b) "Maximum capacity one person"; and
- (c) "For authorized personnel use only."

(6) Every car must be equipped with a spring loaded foot brake which:

- (a) Operates independently of the car safeties;
- (b) Operates in both directions and will stop and hold the car and its load;
- (c) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) Every car must be equipped with a car safety device which:

- (a) Applies to the sides of the main guide rails;
- (b) Stops and holds the car and its load immediately when the hoisting rope breaks.
- (8) Every car must have a minimum clearance of 6 feet 6 inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.
- (9) A tool box with minimum dimensions of 4 inches long by 3 inches deep must be provided and firmly attached to the car structure.

NEW SECTION

WAC 296-96-14050 What are the requirements for assembly, installation, and operation of sectional counterweights? (1) The assembly of sectional counterweights must conform to the following requirements:

- (a) Rectangular counterweights must be held together by at least two tie rods 1/2 inch in diameter fastened with lock washers and double nuts or other approved means.
- (b) One 3/4 inch rod may be used to hold the sections of a round counterweight together. Any additional sections or weights must be secured by an approved means.
- (2) The eye bolt for the rope hitch must be attached to the counterweight in a manner that will prevent the eye bolt from coming loose. The eye of eye bolts must be welded to prevent it from opening.
- (3) Every counterweight runway must be enclosed with substantial unperforated material for its full distance of travel. Inspection openings must be provided at either the top or bottom of the counterweight runway. These openings must be substantially covered at all times except when actually being used for inspection of counterweight fastenings.
- (4) Workers must load the counterweight for the proper balance of the heaviest person using the elevator and others must use compensating weights, which must be available, to maintain a balance.
- (5) On elevators with travel of 75 feet or more, a compensating chain or cable must be installed to maintain the proper balance of the counterweight to the car and load in all positions.

NEW SECTION

WAC 296-96-14055 What is the minimum acceptable sheave diameter? The minimum sheave diameter must be 40 times the diameter of the rope used. For example, a 3/8 inch rope requires a 15 inch sheave.

NEW SECTION

WAC 296-96-14060 What requirements apply to hoisting ropes? (1) Hoisting ropes must be of good grade traction elevator wire rope and must:

- (a) Be not less than 3/8 inch in diameter;
- (b) Provide a safety factor of 5 based on the maximum weight supported;
- (c) Be of sufficient length to prevent the counterweight from striking the overhead structure when car is at bottom,

and prevent the car from striking the overhead before the counterweight is at its lower limit of travel;

(d) Be fastened at each end by at least 3 or more clamps, with the "U" of the clamp bearing on the dead end of the rope; and

(e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.

(2) Approved sockets or fittings with the wire properly turned back and babbitted may be used in place of clamps noted in subsection (1)(d) of this section.

NEW SECTION

WAC 296-96-14065 What requirements apply to operating ropes? The operating rope must be of soft hemp or cotton at least 3/4 inch in diameter. It must be securely fastened at each end and must be in proper vertical alignment to prevent bending or cutting where it passes through the openings in the platform or the protective top of the car.

NEW SECTION

WAC 296-96-14070 Where must hoistway lights be located? Adequate lighting must be installed and operating at each landing and in the shaftway.

NEW SECTION

WAC 296-96-14075 What is the factor of safety for overhead supports? The overhead supporting members must be designed, based upon impact loads, with a safety factor of:

- (1) Nine if wood;
- (2) Five if steel.

NEW SECTION

WAC 296-96-14080 What additional requirements apply to the installation and operation of hand powered manlifts? (1) Only employees and other authorized personnel may ride in a lift car.

(2) Escape ladders must be installed extending the full length of the hoistway and must be located in a position so that in an emergency a person can safely transfer from the car platform to the ladder. An "IMPAIRED CLEARANCE" sign must be posted at the bottom of a ladder when the face of the ladder is less than 30 inches from any structure.

(3) An automatic safety device which will prevent the car from leaving the landing until manually released by the operator must be installed at the bottom landing.

(4) A fire extinguisher in proper working condition must be available in the car.

(5) A five-year full load test must be performed and documentation submitted to the department. Manlifts with wooden rails must perform a no-load drop test.

(6) An annual no load test must be performed and a tag with the date and company conducting the test must be attached to the conveyance.

Casket Lifts

NEW SECTION

WAC 296-96-16010 What is the scope of the department's casket lift regulations? (1) The rules in this section, WAC 296-96-16010 through 296-96-16240, apply to hoisting and lowering mechanisms equipped with cars that:

(a) Move within guides in a substantially vertical direction; and

(b) Have a maximum net inside area of 28 square feet; and

(c) Have a maximum total internal height of 4 feet and a maximum total internal width of 3 1/2 feet; and

(d) Utilize a series of rollers as a platform to exclusively carry caskets.

(2) A hoistway, hoistway enclosure, and related construction that are in substantial compliance with Part 1, Section 100 of the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1 meet the requirements of these casket lift rules.

NEW SECTION

WAC 296-96-16020 What requirements apply to the location and operation of machine rooms and machinery space? (1) Machines and control equipment can be located:

(a) Inside a hoistway enclosure, at the top or bottom, without enclosures or platforms; or

(b) Outside a hoistway if enclosed with a noncombustible material to a height of at least 6 feet.

(2) Machines and control equipment located outside the hoistway must be enclosed in enclosures of incombustible material not less than 6 feet high and have a self-closing and locking door. Control equipment located outside the hoistway may be enclosed in metal cabinet equipped with a self-closing and locking door to prevent access by unauthorized persons.

(3) Permanent electric lighting must be provided in all machine rooms and machinery spaces.

NEW SECTION

WAC 296-96-16030 What equipment can be located in a machine room? Only machinery and equipment required for the operation of the elevator is permitted in the elevator machine room.

NEW SECTION

WAC 296-96-16040 What requirements apply to the location of electrical wiring, pipes and ducts in hoistways and machine rooms? (1) Only electrical wiring raceways and cables directly related to an elevator's operation may be installed inside the hoistway.

(2) Pipes or ducts that convey gases, vapors, or liquids and are not used in connection with the elevator must not be installed in any hoistway, machine room, or machinery space.

(3) Machinery and sheave beams, supports, and foundations must comply with the American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1, Section 105.

NEW SECTION

WAC 296-96-16050 Is a pit required in a casket lift hoistway? A pit is not required in a casket lift hoistway.

NEW SECTION

WAC 296-96-16060 What requirements apply to the size and location of hoistway door openings? (1) The width and height of door openings must not exceed the width and height of the elevator car by more than one inch in each dimension; except one door opening may be of sufficient size to permit installing and removing the car, but must not be more than 4 feet 9 inches in height.

(2) The bottom of the door opening must be not less than 24 inches above the floor.

NEW SECTION

WAC 296-96-16070 How must hoistway doors be hung? Hoistway doors must be hung and guided in such a manner that the doors will not be displaced from the guides or tracks when in normal service nor when the doors are subjected to a constant horizontal force of 250 pounds applied at right angles to and approximately the center of the door or to the center of each door section where multi-section doors are used.

NEW SECTION

WAC 296-96-16080 Where must hoistway doors be located? Hoistway doors must be located so that the distance from the hoistway face of the doors to the landing sill must not be more than 2 1/2 inches.

NEW SECTION

WAC 296-96-16090 What requirements apply to hoistway doors locks? All hoistway doors must be equipped with a combination mechanical lock and electric contact.

NEW SECTION

WAC 296-96-16100 How should space beneath a hoistway be protected? Where the space below the hoistway is used for a passageway or is occupied by a people, or if unoccupied is not secured against unauthorized access, the cars and counterweights must be equipped with safeties which may be operated as a result of the breaking of the suspension means. Safeties may be of the inertia type without governors.

NEW SECTION

WAC 296-96-16110 What requirements apply to car doors and gates? There must not be more than two entrances to the car.

(1) Each entrance must be provided with a car door or gate which when in a fully-closed position must protect the full width and height of the car entrance opening.

(2) Collapsible type gates, when in a fully closed position, must reject a 4 1/2 inch diameter ball.

NEW SECTION

WAC 296-96-16120 What requirements apply to car enclosures? (1) Elevator cars must be permanently enclosed on all sides and the top.

(2) The enclosure must be securely fastened to the car platform and so supported that it cannot loosen or become displaced in ordinary service.

(3) The enclosure walls must be of sufficient strength and designed and supported so that when subjected to a pressure of 75 pounds applied horizontally at any point on the walls of the enclosure, the deflection will not reduce the running clearance to exceed one inch.

(4) The top of the car enclosure must be designed and installed so as to be capable of sustaining a load of 300 pounds on any square area 2 feet on a side and 100 pounds applied at any point. Simultaneous application of these loads is not required.

NEW SECTION

WAC 296-96-16130 What requirements apply to the construction of car frames and platforms? (1) Every elevator suspended by wire ropes must have a car frame consisting of a crosshead, uprights (stiles), and a plank located approximately at the middle of the car platform and in no case farther from the middle than one-eighth of the distance from the front of the platform.

(2) Car frames must be guided on each guide rail by upper and lower guiding members attached to the frame.

(3) Car frames and outside members of the platform must be made of steel.

NEW SECTION

WAC 296-96-16140 How must car frames and platforms be connected? Connections between members of the car frames and platform must be riveted, bolted, or welded and must meet the following specifications:

(1) Bolts where used through sloping flanges of structural members must have boltheads of the tipped head type or must be fitted with beveled washers.

(2) Nuts used on sloping flanges of structural members must seat on beveled washers.

(3) Welding of parts upon which safe operation depends must be done in accordance with the appropriate standards established by the American Welding Society.

NEW SECTION

WAC 296-96-16150 What is the load capacity of a casket lift car? (1) Driving machines, car and counterweight suspension mechanisms, and overhead beams and supports must be able to sustain a car with a structural load capacity based upon its inside net platform area as shown in American Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks A17.1, Table 207.1.

(2) A metal plate which gives the rated load in letters and figures not less than 1/4 inch high stamped, etched or raised on the surface of the plate must be fastened in a conspicuous place in the car.

NEW SECTION

WAC 296-96-16160 What types of casket lift driving machines are allowed? Only drum, traction or plunger type driving machines may be used.

NEW SECTION

WAC 296-96-16170 What material and grooving is required for sheaves and drums? Material and grooving for sheaves and drums must be of metal finished grooves and have a pitch diameter not less than 40 times the diameter of the rope.

NEW SECTION

WAC 296-96-16180 What types of brakes must be used on the driving machine? Elevator driving machines must be equipped with a friction brake applied by a spring or springs and released electrically. The brake must be designed to have a capacity sufficient to hold the car at rest with its rated load.

NEW SECTION

WAC 296-96-16190 Where must terminal stopping devices be located? (1) Upper and lower normal stopping devices must be provided at the top and bottom of the hoistway.

(2) Final terminal stopping devices must be provided and arranged to stop electric power to the elevator driving machine motor and brake after the car has passed a terminal landing but so that under normal operating conditions it will not function when the car is stopped by the normal terminal stopping device.

(3) Elevators having traction machines must have final terminal stopping switches located in the hoistway and operated by cams attached to the car.

(4) Elevators having winding-drum machines must have terminal stopping switches located on and operated by the driving machine, which must not be driven by chain, rope or belt. Also, stopping switches must be installed in the hoistway and operated by cams attached to the car or counterweights.

(5) All elevators having winding-drum machines must have a slack rope device with an electric switch of the

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enclosed manually reset type which will cause the electric power to be removed from the driving machine motor and brake if the hoisting ropes become slack.

NEW SECTION

WAC 296-96-16200 What are the specifications for casket lift ropes and rope connections? (1) Elevator cars and counterweights must be suspended by steel wire ropes. Only iron (low carbon steel) or steel wire ropes with fibre cores, having the commercial classification of "elevator wire rope" may be used for the suspension of elevator cars and for the suspension of counterweights.

(2) The minimum number of hoisting ropes is:

(a) Three 1/2 inch ropes for traction elevators; and

(b) Two 1/2 inch ropes for drum type elevators.

(3) Fastenings must be by individual tapered babbitted rope sockets or by other department-approved types.

(4) The rope sockets must be of a type which will develop at least 80 percent of the braking strength of the strongest rope to be used in such fastenings, and U-bolt type rope clips (clamps) must not be used for load line fastenings.

NEW SECTION

WAC 296-96-16210 What specific requirements apply to hydraulic elevators? (1) All hydraulic elevators must be a plunger type with the plunger securely attached to the car platform.

(2) Plungers composed of more than one section must have the joints designed and constructed to carry in tension the weight of all plunger sections below the joints.

(3) Plungers must be provided with solid metal stops to prevent the plunger from traveling beyond the limits of the cylinder. Stops must be designed and constructed so as to stop the plunger from maximum speed in the "up" direction under full pressure without damage to the hydraulic system.

(4) Any leaking hydraulic oil must be collected.

NEW SECTION

WAC 296-96-16220 What requirements apply to valves, supply piping, and fittings? (1) Valves, piping and fittings must not be subjected to working pressures that exceed manufacturer recommendations.

(2) Pipes, especially those that may vibrate, must be sufficiently supported at each joint and fitting so undue stress is eliminated.

(3) A shut-off valve must be installed in the pit.

(4) Each pump must be equipped with a relief valve and all relief valves must be:

(a) Located between the pump and check valve in a bypass connection;

(b) A type that cannot be shut off from the hydraulic system; and

(c) Pre-set to open at a pressure not greater than 125 percent of the working pressure at the pump.

EXCEPTION: Relief valves are not required for centrifugal pumps driven by an induction motor when the shut-off or

maximum pressure that the pump develops is no more than 135 percent of the working pressure at the pump.

(5) A check valve must be installed that will hold a car and its rated load at any point whenever a pump stops or pump operating pressure drops below the required minimum.

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

NEW SECTION

WAC 296-96-16230 What type of stopping devices must be installed? Normal stopping devices operated by cams attached to the car must be installed at the top and bottom of the hoistway. Final terminal stopping devices and anti-creep leveling devices are not required.

NEW SECTION

WAC 296-96-16240 What type of operating devices must be used? Only constant pressure or automatic type operating devices located outside the hoistway may be used.

Boat Launching Elevators

NEW SECTION

WAC 296-96-18010 What are the definitions for boat launching elevators? "Boat launching elevator" is a device that:

(1) Is equipped with a car or platform;

(2) Moves in guides in a substantially vertical direction;

(3) Serves to connect one or more floors or landings of a boat launching structure with a beach or water surface; and

(4) Is used for carrying or handling boats in which people ride.

"Boat launching structure" is any structure that houses and supports any boat launch elevator.

NEW SECTION

WAC 296-96-18020 Must boat launching elevator cars and platforms be enclosed? All boat launching elevator cars or platforms must be enclosed to a height of at least 6 feet from the floor on all sides where there are no hoistway doors or gates. Enclosures may be built as solid panels or open work which will reject a two inch diameter ball.

NEW SECTION

WAC 296-96-18030 What electrical wiring requirements apply to boat launching elevators? (1) All electric wiring used in boat launching elevators, except the traveling cable, must be enclosed in rigid metal conduit.

(2) The traveling cable, which is required between the car mounted terminal stopping switch and the hoistway, must be made of flexible, nonmetallic, moisture-retardant, flame-retardant material.

(3) All electrical outlets, switches, junction boxes and fittings used in boat launching elevators must be weather proof.

NEW SECTION

WAC 296-96-18040 What type of brakes must be used on boat launching elevators? All electric boat launching elevators must be equipped with effective brakes that are applied by springs and released electrically. Brake capacity must be sufficient to hold the elevator and its rated load at rest.

NEW SECTION

WAC 296-96-18050 What types of stop switches and protective devices are required on boat launching elevators? (1) All electric boat launching elevators must be equipped with:

(a) A bottom terminal stop switch operated by the traveling cable and a float or some other department approved mechanism.

(b) A top terminal stop switch that is located in the hoistway and is operated either by a cam attached to the car or some other department approved mechanism.

(c) Key-operated, continuous pressure type operating switches that are located outside the hoistway but within sight of the elevator car or platform.

(2) All boat launching elevators operated by a winding drum, must be equipped with a final stop switch that is located on and operated directly by the driving machine. Chains, ropes or belts must not drive final stop switches.

(3) All boat launching elevators driven by a polyphase alternating current motor must be equipped with the following approved relays:

(a) A reverse phase relay that prevents the driving machine motor from starting when either the phase rotation is in the wrong direction or there is a phase failure; and

(b) A main line relay or contact that automatically stops power to the driving machine motor and brake, activating the brake when any safety device is activated.

(4) Hand rope controls must not be used on any boat launch elevator.

NEW SECTION

WAC 296-96-18060 When must hoisting cables be re-shackled or refastened? The load end of a hoisting cable on all boat launching elevators must be re-shackled or refastened every 12 months.

NEW SECTION

WAC 296-96-18070 What requirements apply to hoistway gates and doors? (1) All boat launching elevators must have gate-protected hoistway entrances at every landing except those landings located on the beach or at the water surface.

(2) All gates must comply with the following minimum requirements:

(a) There must be a full-bodied, balanced type safety gate that protects the full width of the hoistway and must hang, at all points along the gate, within two inches of the landing threshold.

(b) The minimum gate height on top landings is 42 inches and 66 inches on all intermediate landings.

(c) Gates must be constructed of either metal or wood.

(d) Gates must be capable of withstanding a lateral pressure, applied at any point, of 250 pounds without breaking, becoming permanently deformed or being displaced from their guides or tracks.

(e) The openings in grille, lattice or other openwork designed gate bodies, must reject a two-inch diameter ball.

(f) Gates must be equipped with a department approved combination electric contact and mechanical lock.

NEW SECTION

WAC 296-96-18080 Must boat launching elevator hoistways be enclosed? The sides of elevator hoistways adjacent to a dock area platform, walkway or ramp must be enclosed. The enclosures must comply with the hoistway safety gate dimension and pressure requirements in WAC 296-96-18070.

Mechanized Parking Garage Equipment

NEW SECTION

WAC 296-96-20005 What national safety codes has the department adopted for mechanized parking garage equipment? The department has adopted USASI Standard A113.1-1964 "Safety Code for Mechanized Parking Garage Equipment."

Part D - Regulations for Existing Elevators, Dumbwaiters, and Escalators

Regulations for Existing Electric Elevators, Direct Plunger and Roped Hydraulic Elevators, Escalators used to transport passengers, Electric and Hand-powered Dumbwaiters, Hand-powered Elevators, Inclined Stairway Chairlifts, Inclined and Vertical Wheelchair Lifts, and Sidewalk Elevators

NOTE: The following rules set the minimum standard for existing elevators, dumbwaiters, and escalators, and, where applicable, alterations.

NEW SECTION

WAC 196-96-23100 Are keys required to be onsite? Yes. The keys to the machine room and that are necessary to operate the elevator must be readily available to authorized personnel.

NOTE: The department recommends the use of a locked key retainer box in the elevator lobby at the designated level above the hall buttons or by machine room doors at no more than 6 feet above the floor. This key retainer box should be:

- Readily accessible to authorized personnel;
- Clearly labeled "Elevator"; and

- Equipped with a 1-inch cylinder cam lock key #39504. The department further recommends that:
 - Keys for access to elevator machine rooms and for operating elevator equipment are tagged and kept in the key box.
 - The key box contains all keys necessary for inspections of the elevator.
 - Mechanical hoistway access devices are kept in the machine room.

Subpart I

Hoistways and Related Construction for Electric and Hydraulic Elevators

NEW SECTION

WAC 296-96-23101 What is the scope of Subpart I? Subpart I, Hoistways and Related Construction for Electric and Hydraulic Elevators, is the minimum standard for all existing hydraulic and electric elevators. It applies to other equipment only as referenced in the applicable part.

Section 1 Hoistways

NEW SECTION

WAC 296-96-23110 What structural requirements apply to hoistway enclosures? (1) Local laws and ordinances establish fire-resistant requirements for hoistway enclosures.

(2) When doors and hoistway enclosures are not required to be fire resistant, the hoistway must be enclosed:

(a) With a solid material or a material with openings that will reject a 1/2 inch diameter ball; and

(b) To a height at least 6 feet above each floor or landing and any adjacent stairways treads.

(3) Hoistway enclosures must be supported and braced so as to deflect no more than one inch when subjected to a 100 pound force perpendicularly applied at any point.

(4) Hoistway enclosures adjacent to counterweights must extend the full height of the floor and 6 inches past the counterweight raceway.

NEW SECTION

WAC 296-96-23111 Are guards required for windows in hoistway enclosures? (1) Guards are required on outside hoistway windows if the windows are located:

(a) Ten stories or less above a thoroughfare; or

(b) Three stories or less above the roof of an adjacent building.

(2) Hoistway windows can be guarded by one of the following methods:

(a) By vertical bars at least 5/8 inch in diameter or equivalent, spaced no more than 10 inches apart, permanently and securely fastened in place;

(b) By metal-sash windows having solid section steel muntins of no less than 1/8 inch thickness, spaced no more than 8 inches apart.

(3) Exterior hoistway windows must be identified with 4-inch high letters marked "elevator."

NEW SECTION

WAC 296-96-23113 What are the requirements for pipes in hoistways that convey gases, vapors, or liquids?

(1) All steam and hot water pipes in a hoistway must be covered to prevent direct spray onto the elevator car if ruptured, as required in ASME A17.1, Rule 102.2.

(2) All other pipes or ducts currently in a hoistway must be securely fastened to prevent excessive vibration.

(3) Future pipes or ducts must not be installed in a hoistway unless they directly pertain to the elevator's operation.

NEW SECTION

WAC 296-96-23115 What safety requirements apply to inspecting and maintaining overhead sheaves? (1) Overhead sheave spaces requiring inspection and maintenance must be located so adequate access and decking is available to insure the safety of inspection and maintenance personnel.

(2) Guardrails must be installed where decking does not cover the complete hoistway.

(3) Guardrail and deck supports must be similar to those required for the top of an elevator car and may be made of either wood or metal compatible with the existing hoistway construction.

(4) Inspections and maintenance may be performed from the top of an elevator car if a ladder is not required to perform these functions.

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

NEW SECTION

WAC 296-96-23116 What requirements apply to car numbers? In any building with more than one elevator, numbers at least two inches in height identifying each car must be located at the main lobby entrance, inside the car, on the machine, and on the disconnect switch.

Section 2 Machine Rooms and Machinery Spaces

NEW SECTION

WAC 296-96-23121 What are the requirements for machine room and machinery space access? Access doors to machine rooms and machinery spaces must be kept closed and locked. The lock must be a spring type which is installed to permit the door to be opened from the inside without a key.

NEW SECTION

WAC 296-96-23122 What type of lighting must be installed in machine rooms and machinery space? Permanent electric lighting must be provided in all machine rooms

and machinery spaces. The illumination must be at least 10 foot-candles at floor level.

NEW SECTION

WAC 296-96-23123 What type of service outlets must be installed in elevator cars, hoistways and machinery spaces? Service outlets, where provided, must be permanently grounded.

NEW SECTION

WAC 296-96-23124 What installation requirements apply to pipes conveying gases, vapors, or liquids in machine rooms and machinery spaces? (1) All pipes or ducts currently in machine rooms and machinery spaces must be securely fastened to prevent excessive vibration.

(2) No future pipes or ducts must not be installed in machine rooms and machinery spaces.

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

NEW SECTION

WAC 296-96-23125 Must elevator machines and control equipment be protected from the weather? Elevator machines and control equipment must be protected from the weather.

NEW SECTION

WAC 296-96-23126 What protective measures should be taken in hoistways, machine rooms and machinery spaces to insure safety? (1) Gears, sprockets, sheaves, cables, tapes, belts and chains must be fitted with suitable guards to prevent accidental contact, where feasible.

(2) Openings in machine room floors above the hoistway must be guarded to prevent tools from falling into the hoistway below.

(3) Ventilation grids where exposed to the hoistway below must be firmly bolted or secured to prevent accidental removal and must be fitted with 1/2 inch wire mesh under the grid.

Section 3 Pits

NEW SECTION

WAC 296-96-23130 What requirements apply to pit access? (1) Pits must be accessible to all authorized personnel.

(2) Access doors, if provided, must be kept closed and locked.

(3) Access ladders must be installed in elevator pits 3 feet or deeper.

NEW SECTION

WAC 296-96-23131 What requirements apply to pit drains? (1) Pit drains directly connected to sewers are prohibited.

(2) Sumps, with or without pumps, are permitted.

NEW SECTION

WAC 296-96-23132 What lighting requirements apply to pits? (1) A permanent lighting fixture producing at least 5 foot-candle at the pit floor must be installed in all pits.

(2) A light switch must be installed and must be accessible from the pit access door.

(3) A permanent grounded outlet must be provided in all pits.

NEW SECTION

WAC 296-96-23133 What requirements apply to counterweight pit guards? (1) Where feasible, unperforated metal guards must be installed in the pit on the open side or sides on all counterweights where spring or solid-type buffers are used or where oil buffers attached to the counterweights are used. Except, where compensating chairs or ropes are attached to the counterweight the guard may be omitted on the side facing the car to which the chains or ropes are attached.

(2) Guards must extend from a point no more than 12 inches above the pit floor to a point at least 7 feet but not more than 8 feet above the floor; and be fastened to a properly reinforced and braced metal frame that is at least equal in strength and stiffness to No. 14 U.S. gauge sheet steel.

Section 4 Protection of Space Below Hoistways

NEW SECTION

WAC 296-96-23140 What requirements apply to any space below a hoistway that is not permanently protected from access? When space below a hoistway is not permanently protected from access, the following requirements apply:

(1) Counterweights must be equipped with safeties.

(2) The cars and counterweight must be equipped with spring or oil buffers.

(3) The car and counterweight buffer supports must be sufficiently strong to withstand without permanent deformation contact with buffers traveling at the following speeds:

(a) The governor tripping speed where the safety is governor operated; or

(b) 125 percent of the rated speed when the safety is not operated by a governor.

Section 5 Hoistway Entrances

NEW SECTION

WAC 296-96-23150 Are hoistway doors (gates) required? (1) Passenger elevators. Hoistway landing open-

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ings must have entrances which guard the full width and height of the openings. The panels of entrances used with automatic-operation passenger elevators must not have hand latches or other hand operated door fastening devices, nor must such panels

(2) Freight elevators. Hoistway landing openings for freight elevators must have entrances which guard the full width of the opening. Gates and doors must meet the following requirements:

(a) Balanced type vertically sliding hoistway gates must extend from a point not more than 2 inches from the landing threshold to a point at least 66 inches above the threshold.

(b) Gates must be solid or openwork of a design that will reject a 2 inch diameter ball and be located so that the distance from the hoistway face of the gate to the hoistway edge of the landing sill is no more than 2 1/2 inches.

(c) Gates must be constructed of metal or wood and be designed and guided so as to withstand a lateral pressure of 100 pounds applied at approximately the center without breaking or becoming permanently deformed and without displacing the gate from its guides or tracks.

(d) At the top landing, a gate 66 inches high may be used if there is not sufficient clearance for a 6 feet high gate. When the requirements of WAC 296-96-23110 allow non-fire-resistive hoistway enclosures, a gate may be used.

(e) Gates must be constructed of either metal or wood.

(f) Gates must withstand a lateral pressure of 100 pounds, applied at approximately their center, without breaking, being permanently deformed or being displaced from their guides or tracks.

(g) The maximum vertical opening between a landing sill and a door or gate is 2 inches.

(h) The distance between the gate's hoistway face and the hoistway landing edge must not exceed 2 1/2 inches.

NEW SECTION

WAC 296-96-23151 What requirements apply to hoistway door closing devices? (1) Horizontally sliding doors on automatic-operation elevators must be equipped with door closers that automatically close an open door if the car for any reason leaves the landing zone.

(2) Horizontal swinging single or center-opening doors on automatic-operation elevators must be self-closing.

(3) Door closers are not required for the swinging portion of combination horizontally sliding and swinging doors.

NEW SECTION

WAC 296-96-23152 What requirements apply to hoistway door vision panels? (1) Manually operated or self-closing hoistway doors of the vertically or horizontally sliding type for elevators with automatic or continuous-pressure operation must be provided with a vision panel except at landings of automatic-operation elevators where a hall position indicator is provided.

(2) In multi-section doors, the vision panel is required in one section only but may be placed in all sections.

(3) All horizontally swing doors must have vision panels.

(4) Vision panels may be provided in any type of hoistway door regardless of the type of operation of the elevator. Where provided, vision panels must meet the following requirements:

(a) The area of any single vision panel must be at least 25 square inches with the total area of one or more panels in any hoistway door not exceeding 80 square inches.

(b) Each clear panel opening must reject a 6 inch diameter ball.

(c) Muntins between panel sections must be made of a noncombustible material and of substantial construction. If located on the landing side, they must be flush with the surface of the landing side of the door.

(d) Panel openings must be glazed with clear wire glass at least 1/4 inch thick.

(e) A panel's center must be located at least 54 inches but no more than 66 inches above the landing except, for vertically sliding, biparting, counterbalanced doors it must be located to conform with the dimensions specified to the extent that the door design will permit.

(f) Vision panels in horizontally swing doors must be located for convenient vision when opening the door from the car side.

(g) Wire-glass panels in power-operated doors must be substantially flush with the surface of the landing side of the door.

(h) Vision panel frames must be secured by means of nonreversible screws or other tamper proof fasteners.

(i) Vision panels which do not meet the requirements of (a) through (h) of this section must be protected by protective grilles made of No. 15 gauge stainless or galvanized steel in accordance with the following specifications:

(i) Grilles must be sized to fit within or over the vision panel frame and completely cover the vision panel opening in the hoistway door.

(ii) Grilles must be secured by means of nonreversible screws or other tamper proof fasteners.

(iii) Grilles must contain openings which are no larger than 3 inches by 3/4 inch, or 3 inches in diameter.

(iv) All edges must be beveled and free of burrs.

(v) Grilles must be installed on the hoistway side of the door.

NEW SECTION

WAC 296-96-23153 What requirements apply to door hangers for horizontal slide doors? Door hangers for horizontal slide type entrances must meet the following requirements:

(1) Means must be provided to prevent the hangers from jumping the track.

(2) Stops must be provided in the entrance assembly to prevent hangers from overrunning the end of the track.

(3) Power-operated doors must be built to withstand, without damage or appreciable deflection, an imposed static load equal to four times the weight of each panel. This static load must be applied successively downward and upward along the vertical centerline of the panel.

Section 6

Hoistway Door Locking Devices,
Parking Devices, and AccessNEW SECTION

WAC 296-96-23154 Are astragals required? On a vertically sliding, biparting, counterbalanced hoistway door, a fire-resistive, nonshearing and noncrushing member of either the meeting or overlapping type must be provided on the upper panel to close the distance between the rigid door sections when in contact with the stops. Rigid members which overlap the meeting edge and center-latching devices are prohibited.

NEW SECTION

WAC 296-96-23155 What requirements apply to pull straps? Manually operated, vertical slide, biparting elevators doors which can be operated from the landings must be provided with pull straps on the inside and outside of the upper panel where the lower edge of the upper panel is more than 6 feet 6 inches above the landing when the panel is in the fully open position. The length of the pull straps must be as follows:

- (1) The bottom of the strap must be not more than 6 feet 6 inches above the landing when the panel is in the fully opened position.
- (2) The length of the strap must not be extended by means of ropes or other materials.
- (3) Where pull straps are provided on the car side of doors of elevators which can be operated from the car only, the length of the pull straps must conform to the requirements specified in (1) and (2) of this section.

NEW SECTION

WAC 296-96-23156 What requirements apply to landing sill clearances? The clearance between the car-platform sill and the hoistway edge of any landing sill, or the hoistway side of any vertically sliding counterweighted, or of any vertically sliding counterbalanced biparting hoistway door, must be:

- (1) At least 1/2 inch where side car guides are used.
- (2) At least 3/4 inch where corner car guides are used.
- (3) In all cases, the maximum clearance must not be more than 1 1/2 inch.

NEW SECTION

WAC 296-96-23157 What is the maximum allowable threshold clearance? The maximum distance from the hoistway door or gate face to the hoistway edge of the threshold must not exceed 2 1/4 inches.

NEW SECTION

WAC 296-96-23158 What requirements apply to elevator floor numbers? Elevator hoistways must have floor numbers at least 4 inches high and placed on the walls and/or doors of hoistways at intervals so that a person in a stalled elevator, upon opening the car door 4 inches, could determine the floor position.

NEW SECTION

WAC 296-96-23160 What requirements apply to hoistway door (gate) locking devices? (1) Passenger elevator hoistway doors or gates must be equipped with hoistway-unit system door interlocks.

(2) Freight elevator hoistway doors or gates must be equipped with hoistway-unit system door interlocks or an approved type combination electric contact and mechanical lock.

(3) Combination locks and electric contacts or interlocks must be located so not to be accessible from the landing side when the hoistway doors or gates are closed.

NEW SECTION

WAC 296-96-23161 What requirements apply to elevator parking devices? (1) Elevators that are operated from within the car only must have elevator parking devices installed at every landing that is equipped with an unlocking device.

(2) On elevators that are not operated from within the car only, a parking device must be provided at one landing and may be provided at other landings. This device must be located at a height no greater than 6 feet 11 inches above the floor.

(3) Parking devices are not required for elevators with hoistway doors that automatically unlock when the car is within the landing zone.

(4) Parking devices must conform to the following specifications:

- (a) They must be mechanically or electrically operated.
- (b) They must be designed and installed so that friction or sticking or the breaking of any springs used in the device will not permit opening or unlocking a door when the car is outside the landing zone of that floor.
- (c) Where springs are used, they must be of the restrained compression type which will prevent separation of the parts in case a spring breaks.

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

NEW SECTION

WAC 296-96-23162 What requirements apply to hoistway door unlocking devices? Hoistway door unlocking devices or hoistway access switches must be provided on all elevators at one upper landing to permit access to the top of the car and at the lowest landing if this landing is the normal point of access to the pit. Hoistway door unlocking devices may be provided at all landings for emergency use.

(1) Hoistway door unlocking devices must conform to the following specifications:

PROPOSED

(a) The device must unlock and permit the opening of the hoistway door from the access landing regardless of the position of the car.

(b) The device must be designed to prevent unlocking the door with common tools.

(c) The operating means for unlocking the door must be available to and used only by inspectors, elevator maintenance and repair personnel, and qualified emergency personnel.

(d) The unlocking-device keyway must be located at a height no greater than 6 feet 11 inches above the floor.

(2) Hoistway access switches must conform to the following specifications:

(a) The switch must be installed only at the access landings.

(b) The switch must be installed adjacent to the hoistway entrance at the access landing with which it is identified.

(c) The switch must be of the continuous-pressure spring-return type and must be operated by a cylinder-type lock having not less than five-pin or five-disk combination with the key removable only when the switch is in the "off" position. The lock must not be operable by any key which will operate locks or devices used for other purposes in the building. The key or combination must be available to and used only by inspectors and elevator maintenance and repair personnel.

(d) The operation of the switch at either access landing must permit and may initiate and maintain movement of the car with the hoistway door at this landing unlocked or not in the closed position, and with the car door or gate not in the closed position, subject to the following:

(i) The operation of the switch must not render ineffective the hoistway door interlock or electric contact at any other landing.

(ii) The can must not be operated at a speed greater than 150 feet per minute.

(iii) For automatic and continuous-pressure operation elevators: Landing operating devices of continuous-pressure operation elevators and car and landing operating devices of automatic operation elevators must first be made inoperative by means other than the access switch; and power operation of the hoistway door and/or car door or gate is inoperative.

(iv) Automatic operation by a car-leveling device is inoperative.

(v) The top-of-car operating device is inoperative.

(vi) The movement of the car initiated and maintained by the upper access switch must be limited in the down direction to a travel not greater than the height of the car crosshead above the car platform, and limited in the up direction above the upper access landing to the distance the car apron extends below the car platform. Where electrically operated switches, relays, or contractors are used to render inoperative the hoistway-door interlock or electric contact or the car door or gate electric contact, the control circuits must be arranged to conform to the requirements of WAC 296-96-23221 and in addition, to render the normal car and hall operation ineffective in any such switch, relay, or contractor fails to function in the intended manner.

Section 7

Power Operation of Doors and Gates

NEW SECTION

WAC 296-96-23165 What requirements apply to reopening devices for power-operated car doors and gates? (1) A power-operated car door or gate must have a reopening device that stops and reopens the door or gate and the adjacent hoistway door if the car door or gate is obstructed while closing. If the closing kinetic energy is reduced to 2 1/2 feet-lbf or less, the reopening device may be rendered inoperative.

(2) For center opening doors or gates, the reopening device must be designed and installed so that obstruction of either door or gate panel when closing will cause the reopening device to function.

NEW SECTION

WAC 296-96-23166 What requirements apply to photo electric or electric eye door reopening devices? An elevator equipped with a photo electric or electric eye device for reopening of the car and hoistway doors must be provided with a means that will automatically time-out and close the door if it has been obstructed for 20 seconds. The photo electric or electric eye device must not be reactivated until the doors have fully closed. There are two exceptions to this requirement:

(1) The department may authorize hospitals or nursing homes to allow obstructed doors to close within 35 seconds after the expiration of the normal door open time.

(2) When smoke detectors are used to bypass photo electric or electric eye devices the doors are not required to time-out and close except under phase I conditions as authorized by ANSI A17.1-211.3A.

Subpart II

Machinery and Equipment for Electric Elevators

NEW SECTION

WAC 296-96-23200 What is the scope of Subpart II? Subpart II, Machinery and Equipment for Electric Elevators, is a minimum standard for all existing electric elevators. It applies to other equipment only as referenced in the applicable Subpart.

Section 1

Buffers and Bumpers

NEW SECTION

WAC 296-96-23203 What requirements apply to buffers and bumpers? Car and counterweight buffers or bumpers must be provided. Solid bumpers may be used in lieu of buffers where:

- (1) The rated speed is 50 feet per minute or less; or
- (2) Type C safeties are used.

Section 2 Counterweights

NEW SECTION

WAC 296-96-23205 What requirements apply to counterweights? On rod type counterweights, the rod nuts must be cotter-pinned and the tie rods must be protected so that the head weight cannot crush the tie rods on buffer engagement.

(1) The weights must be protected so that they cannot be dislodged.

(2) Compensating chains or ropes must be fastened to the counterweight from directly or to a bracket fastened to the frame and must not be fastened to the tie rods.

Section 3 Car Frames and Platforms

NEW SECTION

WAC 296-96-23206 What requirements apply to car platforms and frames? Every elevator car must have a platform consisting of a nonperforated floor attached to a platform frame supported by the car frame and extending over the entire area within the car enclosure.

(1) Holes in the floor for the safety plank wrench, etc., must be covered and secured.

(2) The platform frame members and the floor must be designed to withstand the forces developed under the loading conditions for which the elevator is designed and installed.

NEW SECTION

WAC 296-96-23207 What requirements apply to platform guards (aprons)? The entrance side of the platform of passenger and freight elevators equipped with leveling devices or truck-zoning devices must have smooth metal guard plates of not less than 0.0598 inch thick steel, or material of equivalent strength and stiffness, adequately reinforced and braced to the car platform and conforming to the following:

(1) The guard plate must extend no less than the full width of the widest hoistway door opening.

(2) It must have a straight vertical face, extending below the floor surface of the platform, of no less than the depth of the leveling of truck zone, plus 3 inches.

(3) If new guards are installed, the lower portion of the guard must be bent back at an angle of not less than 60 degrees nor more than 75 degrees from the horizontal.

(4) The guard plate must be securely braced and fastened in place to withstand a constant force of not less than 15-lbf applied at right angles to and at any position on its face without permanent deformation.

NEW SECTION

WAC 296-96-23208 What requirements apply to hinged platform sills? Hinged platform sills, where pro-

vided, must have electric contacts which will prevent operation of the elevator by the normal operating device unless the hinged sill is within 2 inches of its fully retracted position. The elevator may be operated by the leveling device in the leveling zone with the sill in any position.

NEW SECTION

WAC 296-96-23209 What requirements apply to floating (movable) platforms? Floating (movable) platforms which permit operation of the elevator when the car door or gate is not in the closed position are prohibited.

Section 4 Car Enclosures

NEW SECTION

WAC 296-96-23215 What requirements apply to car enclosures? Car enclosures for freight and passenger cars must meet the following specifications:

(1) Freight elevator cars:

(a) Cars must be enclosed to a height of at least 6 feet from the floor on the sides where there are no hoistway doors or gates with solid panel or openwork which will reject a 2 inch diameter ball.

(b) On the side of the car adjacent to the counterweight runway and extending 6 inches each side of the counterweight runway, the enclosure must extend to the car top or underside of car crosshead.

(c) If overhead protection is of openwork material, it must reject a 1 1/2 inch ball and shall be sufficiently strong to support 300 pounds applied at any point. Simultaneous application of these loads is not required.

(d) Suitable overhead protection may be installed directly over the area where the operator runs the controls, providing the overhead protection covers sufficient area for safe protection of the operator.

(2) Passenger elevator cars:

(a) Passenger elevator cars must be fully enclosed on all sides and the top, except the opening for entrances

(b) Enclosures must be of metal or wood in conformity with the local fire regulations.

(c) The car top must be sufficiently strong to support a load of 300 pounds applied at any point. Simultaneous application of these loads is not required.

NEW SECTION

WAC 296-96-23216 What requirements apply to the lining materials used on passenger car enclosures? Materials used for passenger car linings must meet the following specifications:

(1) Carpeting without padding may be used for interior finishes provided that it has a Class I rating, a flame spread of 25 or less which must include all assembly components except the adhesive. The adhesive must be a slow-burning type.

PROPOSED

(2) Slow-burning combustible materials, other than carpet, may be used for interior finishes provided the materials have a Class II rating or better (flame spread of 75 or less), which must include all assembly components other than the adhesive. Materials must be firmly bonded flat to the enclosure and must not be padded. Fabric with spray-type fireproofing must not be installed in elevators.

(a) Equivalent ratings in watts per centimeter squared as derived in the radiant panel test are also acceptable.

(b) .45 watts/cm squared or higher is equivalent to Class I or better.

(c) .22 watts/cm squared or higher is equivalent to Class II or better.

(d) In the radiant test, the higher the number the better the flame resistance.

(e) In the Class I and II system, the lower the number, the better the flame resistance.

(f) Smoke density of materials must be less than 450 when tested in accordance with UBC Standard No. 42.-1.

(3) Certification that the materials and assembly meet these requirements must be submitted to the building official.

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

NEW SECTION

WAC 296-96-23220 What requirements apply to car doors and gates? Car doors or gates are required at each entrance to the elevator car.

(1) Car doors or gates may be horizontal or vertical sliding.

(2) Gates, except collapsible, may be solid or may be openwork of a design to reject a 2 inch diameter ball. Gates must be:

(a) Constructed of metal or wood; and

(b) Designed so as to withstand a lateral pressure of 100 pounds applied at approximately the center without breaking or being permanently deformed and without displacing the gate from its guides or tracks.

(3) Collapsible gates must reject a 3 inch diameter ball when fully closed (extended position) when installed on passenger cars and must reject a 4 1/2 inch ball when fully extended when installed on freight cars. Such gates must not be power-opened for more than one-third of their clear opening distance or for a maximum power opening distance not to exceed 10 inches. Collapsible gates must have at least every fourth vertical member guided at the top and every second vertical member guided at the bottom.

(4) Handles of manually operated collapsible gates nearest the car operating device on elevators operated from the car only must be located so that the nearest handle is not more than 48 inches from the car operating device when the gate is closed and not more than 48 inches above the car floor. Gate handles must be provided with finger guard.

(5) Car doors and gates when in the fully closed position must meet the following specifications:

(a) For passenger cars, they must protect the full width and height of the car entrance opening provided that vertically sliding gates may extend from a point not more than 1

inch above the car floor to a point not less than 6 feet above the floor.

(b) For freight elevators, they must protect the full width of the car entrance opening. Car doors must extend from the car floor to a height of not less than 6 feet above the car floor. Vertically sliding gates must extend from a point not more than 1 inch above the car floor to a point not less than 6 feet above the car floor.

(6) Car doors and gates of electric and electro-hydraulic elevators must be equipped with approved car door or gate electric contacts which will prevent operation of the elevator by the normal operating device unless the car door or gate is in the closed position.

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

NEW SECTION

WAC 296-96-23221 What requirements apply to the location of car doors and gates? This section does not apply to freight elevators with horizontally swinging doors that are inaccessible to the general public and located in factories, warehouses, garages, and other similar buildings. All other elevators must meet the following requirements:

(1) Doors or gates for automatic or continuous-pressure operation elevators must be located so that the distance from the face of the car door or gate to the face of the hoistway door is no more than the following:

(a) Where a swinging-type hoistway door and a car gate are used, 4 inches.

(b) Where a swinging-type hoistway door and a car door are used, 5 1/2 inches.

(c) Where a sliding-type hoistway door and a car gate or door are used, 5 1/2 inches.

(2) The distances specified must be measured as follows:

(a) Where a multi-section car door and a multi-section hoistway door are used or where one of these doors is multi-section and the other is single section, between the sections of the car door and the hoistway doors nearest to each other.

(b) Where a multi-section car door and a swinging-type hoistway door are used, between the hoistway door and the section of the car door farthest from it. Where space conditions require the use of three-speed car doors, the distance must be measured from the intermediate speed panel.

(c) Where a car gate is used, between the car gate and the section of the hoistway door nearest to the car gate.

(3) Where existing distances are greater than specified by paragraphs (1) and (2) of this section, a space guard of sheet metal must be provided, attached to the hoistway door and/or car door.

(a) The guard is to be mounted to the door by a tamper-proof means.

(b) The bottom of the guard must be no less than 1/8 inch nor more than 1/2 inch from the edge of the sill and must be no more than 1/2 inch above the sill.

(c) The face of the guard must run vertically no less than 40 inches nor more than the height of the lower edge of the vision panel.

(d) The guard must extend the full width of the door.

(e) The top of the guard must be inclined toward the face of the door at an angle of no less than 60 degrees nor more than 75 degrees from the horizontal.

(f) Exposed edges must be beveled or rolled to eliminate sharp edges.

(g) The guard must be sufficiently rigid or reinforced to prevent collapsing or denting.

(h) Mounting of the guard must have proper clearances at the bottom and sides to permit easy closing of the door and must not interfere with the self-closing.

(i) On multi-section horizontally sliding doors only, the leading or fast panel must be fitted with the space guard. For swinging doors, the sides of the guard must be closed if the depth exceeds 5 inches.

(4) On horizontally-sliding doors where existing clearances are greater than specified by subsections (1) and (2) of this section, a vertical sight guard must be mounted to the leading edge of the hoistway door. The sight guard must:

(a) Be mounted with a vertical clearance of no more than 1/2 inch to this sill to a height of no less than 6 feet; and

(b) Project from the door, a distance of no more than 1/2 inch nor less than 1/8 inch from the hoistway edge of the sill.

(5) Only the following devices may be used to render inoperative hoistway door interlocks, the electric contacts of hoistway door combination mechanical locks and electric contacts, or car door or gate electric contacts:

(a) Leveling devices.

(b) Truck-zoning devices.

(c) Hoistway access switch.

(d) Existing devices which do not conform to the above must be removed.

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

NEW SECTION

WAC 296-96-23222 What control requirements apply to operating circuits? The failure of any single magnetically operated switch, contractor, or relay to release in the intended manner, or the occurrence of a single accidental ground, must not permit the car to start or run if any hoistway door interlock is unlocked or if any hoistway door or car door or gate electric contact is not in the closed position.

NEW SECTION

WAC 296-96-23225 What requirements apply to car emergency exits? (1) Top emergency exits:

(a) Top emergency exit covers must be hinged or otherwise attached to the car top so that the cover can be opened from the top of the car only and opens outward.

(b) The exit cover of the lower compartment of a multideck elevator car must be openable from either compartment.

(2) Side emergency exits:

(a) Side emergency exit doors or panels, where provided, must have a lock arranged so that the door may be opened from the inside of the car only by a special shaped removable key and outside the car by means of a non-removable handle.

(b) Side emergency car exit door panels must open only into the car.

NEW SECTION

WAC 296-96-23226 What requirements apply to car lighting? (1) Car interiors must be equipped with at least 2 electric lights.

(2) Minimum illumination at the car threshold, with the door closed, must be at least:

(a) 5 foot candle (54lx) for passenger elevators; and

(b) 2 1/2 foot candle (27lx) for freight elevators.

(3) The department does not require light control switches, however, if installed they must be located in or adjacent to the car's onboard operating device.

(4) In automatic elevators, the light control switch must be either a key-operated type or located in a fixture with a locked cover.

(5) Light fixtures mounted on car tops must be equipped with a non-key operated switch located in or adjacent to the fixture.

Section 5 Safeties

NEW SECTION

WAC 296-96-23227 What requirements apply to car safeties? Every elevator car suspended by wire ropes must be equipped with safeties. The safety device must be capable of stopping and sustaining the entire car with its rated load in the event of cable severance or overspeed. There must be a switch on the car activated by the setting of the safeties that will stop electric power from the driving machine motor and brake. Car safeties are identified and classified on the basis of performance characteristics after the safety begins to apply pressure on the guide rails.

(1) Type A safeties:

(a) Develop a rapidly increasing pressure on the guide rails during the stopping interval, the stopping distance being very short due to the inherent design of the safety.

(b) Operating force is derived entirely from the mass and the motion of the car or the counterweight being stopped.

(c) Apply pressure on the guide rails through eccentrics, rollers, or similar devices without any flexible medium purposely introduced to limit the retarding force and increase the stopping distance.

(2) Type B safeties:

(a) Apply limited pressure on the guide rails during the stopping interval and provide stopping distances that are related to the mass being stopped and the speed at which application of the safety is initiated.

(b) Retarding forces are reasonably uniform after the safety is fully applied.

(c) Continuous tension in the governor rope may or may not be required to operate the safety during the entire stopping interval.

(d) Minimum and maximum distances are specified on the basis of governor tripping speed.

PROPOSED

(3) Type C safeties (Type A with oil buffers):

(a) Develop retarding forces during the compression stroke of one or more oil buffers interposed between the lower members of the car frame and a governor-operated Type A auxiliary safety plank applied on the guide rails.

(b) The stopping distance is equal to the effective stroke of the buffers.

(4) Type G safeties:

(a) Are similar to Type B except for having a gradually increasing retarding force.

(b) May be either of the wedge clamp type or the flexible guide clamp type applied by a cable which unwinds a drum below the car floor.

(5) Slack rope safeties:

(a) Are actuated by the slackening or breaking of the hoisting ropes.

(b) Are not actuated by an overspeed governor.

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

NEW SECTION

WAC 296-96-23228 What is the maximum amount of governor rope movement allowed when operating a safety mechanism? For all Type B safeties, the movement of the governor rope relative to the car or the counterweight, respectively, required to operate the safety mechanism from its fully retracted position to a position where the safety jaws begin to exert pressure against the guide rails must not exceed the following values based on rated speed:

(1) For car safeties:

(a) 200 feet per minute or less: 42 inches.

(b) 201 to 375 feet per minute: 36 inches.

(c) Over 375 feet per minute: 30 inches.

(2) For counterweight safeties: 42 inches for all speeds.

(3) Drum operated car and counterweight safeties requiring continual unwinding of the safety drum rope to fully apply the safety, must be designed so that no less than three turns of the safety rope will remain on the drum after the overspeed test of the safety has been made with rated load in the car.

NEW SECTION

WAC 296-96-23229 What requirements apply to rail lubricants and lubrication plates? Rail lubricants or coating which will reduce the holding power of the safety or prevent its functioning as required must not be used.

(1) A metal plate must be securely attached to the car crosshead in an easily visible location and, where lubricants are to be used, must carry the notation, "Consult manufacturer of the safety for the characteristics of the rail lubricant to be used." If lubricants are not to be used, it should be stated so on the plate.

(2) If lubricants other than those recommended by the manufacturer are used, a safety test should be done to demonstrate that the safety will function as required.

Section 6 Speed Governors

NEW SECTION

WAC 296-96-23235 What requirements apply to speed governors? A speed governor or inertia trip safety or a slack cable must be installed on all elevators and must be designed so that it will activate the car safeties before the car attains a speed of 140 percent of the rated speed. Governor ropes must be at least 3/8 inch in diameter, if iron or steel rope, and at least 3/4 inch, if manila rope. Tiller rope must not be used.

NEW SECTION

WAC 296-96-23236 What requirements apply to speed governor overspeed and car safety mechanism switches? (1) A switch must be provided on the speed governor and operated by the overspeed action of the governor when used with Type B and C car safeties of elevators having a rated speed exceeding 150 feet per minute.

(2) A switch must be provided on the speed governor when used with a counterweight safety for any car speed.

(3) For static control, an overspeed switch must be provided regardless of rated speed and it must operate in both directions of travel.

(4) These switches must, when operated, remove power from the driving-machine motor and brake before or at the time of application of the safety.

(5) Switches used to perform the function specified must be positively opened and remain open until manually reset.

(6) Switches operated by the car safety mechanism must be of a type which will not reset unless the car safety mechanism has been returned to the "off" position.

Section 7 Capacity and Loading

NEW SECTION

WAC 296-96-23240 What is the minimum rated load for passenger elevators? The rated load in pounds for passenger elevators must be based on the inside net platform areas and must be not less than shown in the table below. The inside net platform areas must be determined as shown in Table 3.7.1 which shows the maximum inside net platform areas for the various common rated loads. If other rated loads are used, they must be at least the following:

(1) For an elevator with an inside net platform area of no more than 50 feet squared, $W=0.667A$ squared + 66.7A.

(2) For an elevator with an inside net platform area of more than 50 feet squared, $W=0.0467A$ squared + 125A - 1367.

NOTE: A = inside net platform area, ft. squared
W = minimum rated load, lb.

MAXIMUM* INSIDE NET PLATFORM AREAS FOR THE VARIOUS RATED LOADS

Rated Load, lb.	Inside Net Platform Area, ft ²	Rated Load, lb.	Inside Net Platform Area, ft ²
500	7.0	5,000	50.0
600	8.3	6,000	57.7
700	9.6	7,000	65.3
1,000	13.25	8,000	72.9
1,200	15.6	9,000	80.5
1,500	18.9	10,000	88.0
1,800	22.1	12,000	103.0
2,000	24.2	15,000	125.1
2,500	29.1	18,000	146.9
3,000	33.7	20,000	161.2
3,500	38.0	25,000	196.5
4,000	42.2	30,000	231.0
4,500	46.2		

*To allow for variations in cab designs, an increase in the maximum inside net platform area not exceeding 5% will be permitted for the various rated loads.

PROPOSED

NEW SECTION

WAC 296-96-23241 What requirements apply to the use of partitions that reduce inside net platform area? When partitions are used in elevator cars to restrict net platform area for passenger use, they must be permanently fastened in place.

- (1) Gates, doors, or handrails must not be used as partitions.
- (2) Partitions must be installed to permit approximately symmetrical loading.
- (3) When conditions do not permit symmetrical loading, guide rails, car frames, and platforms must be capable of sustaining the resulting stresses and deflections.

NEW SECTION

WAC 296-96-23243 What is the minimum rated load for freight elevators? The minimum rated load for freight elevators in pounds must be based on the weight and class of the load to be handled but must in no case be less than the minimum specified in this section for each class of loading based on the inside net platform area. Freight elevators must be designed for one of the following classes of loading:

- (1) Class A—General freight loading: Where the load is distributed, the weight of any single piece of freight or of any single hand truck and its load is not more than one-quarter the rated load of the elevator, and the load is handled on and off the car platform manually or by means of hand trucks. For this class of loading, the rated load must be based on not less than 50 lb./ft. squared of inside net platform area.
- (2) Class B—Motor vehicle loading: Where the elevator is used solely to carry automobile trucks or passenger automobiles up to the rated load of the elevator. For this class of loading, the rated load must be based on not less than 30 lb./ft. squared of inside net platform area.

(3) Class C—Industrial truck loading: Where the load is carried in transit or is handled on and off the car platform by means of power industrial trucks or by hand trucks having a loaded weight more than one-quarter the rated load of the elevator. For this class of loading the following requirements apply:

- (a) The rated load must be based on not less than 50 lb./ft. squared of inside net platform area;
- (b) The weight of the loaded industrial truck must not exceed the rated load of the elevator;
- (c) The weight of the loaded industrial truck plus any other material carried on the elevator must not exceed the rated load when the industrial truck is also carried;
- (d) During loading and unloading, the load on the elevator must in no case exceed 150 percent of the rated load, and where this load exceeds the rated load, the capacity of the brake and the traction relation must be adequate to safely sustain and level at least 150 percent of the rated load.

NOTE: When the entire rated load is placed on the elevator by the industrial truck in increments, the load imposed on the car platform while the last increment is being loaded or the first increment unloaded will exceed the rated load by the weight of the empty industrial truck.

NEW SECTION

WAC 296-96-23244 What requirements apply to capacity plates? (1) Every elevator must be equipped with a capacity plate or a painted sign that is permanently and securely fastened in place and located in a conspicuous position inside the car. It must indicate the rated load of the elevator in pounds, and for freight elevators, this plate or sign must indicate:

- (a) The capacity for lifting one-piece loads;
- (b) For freight elevators used for industrial truck loading where the truck is not usually carried by the elevator but used

only for loading and unloading, the maximum load the elevator is designed to support while being loaded or unloaded.

(2) Capacity plates must be durable and readily legible. The height of the letters and figures must be at least 1/4 inch for passenger elevators and 1 inch for freight elevators.

NEW SECTION

WAC 296-96-23245 What requirements apply to signs on freight elevators? In addition to the capacity plate or painted sign required by WAC 296-96-23244, two other signs must be installed or painted inside the car in a conspicuous place and permanently and securely fastened to the car enclosure. They must be durable and easily read with 1/2 inch letters, as follows:

(1) In elevators not permitted to carry passengers, the sign must read "This is not a passenger elevator; no persons other than the operator and freight handlers are permitted to ride on this elevator."

(2) In elevators permitted to carry employees, the sign must read "No passengers except employees permitted".

Section 8

Driving Machines and Sheaves

NEW SECTION

WAC 296-96-23250 What general requirements apply to driving machines and sheaves? (1) Sheaves and drums must be made of cast iron or steel and must have finished grooves for ropes.

(2) Set screws fastenings must not be used in lieu of keys or pins on connections subject to torque or tension.

(3) Friction gearing or a clutch mechanism must not be used to connect a driving-machine drum or sheave to the main driving mechanism, other than in connection with a car leveling device.

NEW SECTION

WAC 296-96-23255 What requirements apply to winding drum machines? (1) Winding drum machines must be equipped with a slack-rope device with an enclosed switch of the manually reset type which must cause the electric power to be removed from the elevator driving machine motor and brake if the hoisting ropes become slack or broken.

(2) Winding drum machines must be equipped with adjustable machine automatic terminal stop mechanisms set to directly open the main line circuit to the driving machine motor and brake coincident with the opening of the final terminal stopping switch. Chain, belt, or rope-driven mechanisms must not be used.

NEW SECTION

WAC 296-96-23256 What requirements apply to indirect-drive machines? (1) Indirect-drive machines, utilizing V belts, tooth drive belts, or chain drives, must have at least three belts or chains operating together in parallel as a

set. Belt and chain drive sets must be pre-loaded and matched for length.

(2) Belt set selection must be based upon the manufacturer's rated breaking strength and a safety factor of 10. Chain and sprocket set selection must be based upon the recommendations in the supplementary information section of ASME/ANSI B 29.1, using a service factor of 2.0. Offset links in a chain are permitted. Chain drives and belt drives must be guarded to protect against accidental contact and to prevent foreign objects from interfering with drives.

Sprockets in a chain drive set and also in a driven set must be assembled into a common hub, with teeth cut in line after assembly to assure equal load distribution on all chains. Tooth sheaves for a belt drive must be constructed in a manner to assure equal load distribution on each belt in the set.

Load determination for both the belt and chain sets must be based on the maximum static loading on the elevator car (full load on the car and the car at rest at a position in the hoistway which creates the greatest load, including either the car or counterweight resting on its buffer).

(3) Each belt or chain in a set must be continuously monitored by a broken belt or chain device of the manually reset type which must function to automatically interrupt power to the machine and apply the brake in the event any belt or chain in the set breaks or becomes excessively slack. The driving machine brake must be located on the traction sheave or winding drum assembly side of the driving machine so as to be fully effective in the event the entire belt set or chain set should break.

(4) If one belt or chain of a set is worn, stretched, or damaged so as to require replacement, the entire set must be replaced. Sprockets and toothed sheaves must also be inspected on such occasion and be replaced if noticeably worn.

NEW SECTION

WAC 296-96-23260 What requirements apply to driving machine brakes? The elevator driving machine must be equipped with a friction brake applied by a spring or springs, and released electrically.

The brake must be designed to have a capacity sufficient to hold the car at rest with its rated load. For passenger elevators and freight elevators permitted to carry employees, the brake must be designed to hold the car at rest with an additional load up to 25 percent in excess of the rated load.

NEW SECTION

WAC 296-96-23261 What requirements apply to the application and release of driving machine brakes? Driving machine brakes must not be electrically released until power has been applied to the driving machine motor. All power feed lines to the brake must be opened and the brake must apply automatically when:

(1) The operating device of a car switch or continuous pressure operation elevator is in the stop position;

(2) A floor stop device functions;

(3) Any of the electrical protective devices in WAC 296-96-23272 functions;

Under conditions described in subsection (1) and (2) of this section, the application of the brake may occur on or before the completion of the slowdown and leveling operations.

The brake must not be permanently connected across the armature or field of a direct current elevator driving machine motor.

Section 9 Terminal Stopping Devices

NEW SECTION

WAC 296-96-23262 What requirements apply to normal terminal stopping devices? Enclosed upper and lower normal terminal stopping devices must be provided and arranged to slow down and stop the car automatically, at or near the top and bottom terminal landings. These devices must function independently of the operation of the normal stopping means and of the final terminal stopping device.

(1) Normal stopping devices must be located on the car, in the hoistway, or in the machine room and must be operated by the movement of the car.

(2) Broken rope, tape, or chain switches must be provided in connection with normal terminal stopping devices located in the machine room of traction elevators. These switches must be opened by a failure of the rope, tape, or chain and must cause the electrical power to be removed from the driving machine motor and brake.

NEW SECTION

WAC 296-96-23264 What requirements apply to final terminal-stopping devices? Enclosed upper and lower final terminal electro-mechanical stopping devices must be provided and arranged to prevent movement of the car by the normal operating devices in either direction of travel after the car has passed a terminal landing. Final terminal stopping devices must be located as follows:

(1) Elevators with winding drum machines must have stopping switches on the machines and also in the hoistway operated by the movement of the car.

(2) Elevators with traction driving machines must have stopping switches in the hoistway operated by the movement of the car.

Section 10 Operating Devices and Control Equipment

NEW SECTION

WAC 296-96-23266 What types of operating devices must not be used? The following types of operating devices must not be used:

- (1) Rope (i.e., shipper rope);
- (2) Rod operating devices activated directly by hand; or
- (3) Rope operating devices activated by wheels, levers, or cranks.

NEW SECTION

WAC 296-96-23268 What requirements apply to car-switch operation elevators? The handles of lever-type operating devices of car-switch operation elevators must be arranged so that they will return to the stop position and latch there automatically when the hand of the operator is removed.

NEW SECTION

WAC 296-96-23269 What requirements apply to passenger elevator emergency stop buttons? Passenger elevator emergency stop buttons or switches must be installed and connected so as to activate the elevator alarm when in the stop position. An optional door hold open switch may be provided, if desired, but such door hold open function must automatically cancel upon activation of a Phase I recall.

NEW SECTION

WAC 296-96-23270 What requirements apply to car top operating devices? (1) Elevators with automatic or continuous-pressure operation must have a continuous-pressure button operating switch mounted on the car top for the purpose of operating the car solely from the top of the car. The device must operate the car at a speed not exceeding 150 feet per minute.

(2) The means for transferring the control of the elevator to the top-of-car operating device must be on the car top and located between the car crosshead and the side of the car nearest the hoistway entrance normally used for access to the car top.

NEW SECTION

WAC 296-96-23272 What electrical protective devices are required? Electrical protective devices must be installed according to the following:

(1) Slack-rope switch: Winding drum machines must be accompanied by a slack-rope device equipped with a slack-rope switch of the enclosed manually rest type which will cause the electric power to be removed from the elevator driving machine motor and brake if the suspension ropes become slack.

(2) Motor-generator running switch: Where generator-field control is used, means must be provided to prevent the application of power to the elevator driving machine motor and brake unless the motor generator set connections are properly switched for the running condition of the elevator. It is not required that the electrical connections between the elevator driving machine motor and the generator be opened in order to remove power from the elevator motor.

(3) Compensating rope sheave switch: Compensating rope sheaves must be provided with a compensating rope sheave switch or switches mechanically opened by the compensating rope sheave before it reaches its upper or lower limit of travel to cause the electric power to be removed from the elevator driving machine motor and brake.

PROPOSED

(4) Broken rope, tape, or chain switches used in connection with machine room normal terminal stopping switches: Broken rope, tape, or chain switches which meet the requirements of WAC 296-96-23236 must be provided in connection with normal terminal stopping devices located in machine rooms of traction elevators. These switches must open when a rope, tape, or chain fails.

(5) Stop switch on top of car: A stop switch must be provided on the top of every elevator car, which must cause the electric power to be removed from the elevator driving machine motor and brake, and must:

- (a) Be of the manually operated and closed type;
- (b) Have red operating handles or buttons;
- (c) Be conspicuously and permanently marked "STOP" and indicated the stop and run positions;
- (d) Be positively opened mechanically (opening must not be solely dependent on springs).
- (e) Have red operating handles or buttons;
- (f) Be conspicuously and permanently marked "stop";
- (g) Indicate the "stop" and "run" positions; and
- (h) Be positively opened mechanically and not solely dependent on springs.

(6) Car-safety mechanism switch: A switch is required where a car safety is provided.

(7) Speed governor overspeed switch: A speed governor overspeed switch must be provided when required by WAC 296-96-23236.

(8) Final terminal stopping devices: Final terminal stopping devices must be provided on every elevator.

(9) Emergency terminal speed limiting device: Where reduced stoke oil buffers are provided, emergency terminal speed limiting devices are required.

(10) Motor generator overspeed protection: Means must be provided to cause the electric power to be removed automatically from the elevator driving machine motor and brake should a motor generator set, driven by a direct current motor, overspeed excessively.

(11) Motor field sensing means: Where direct current is supplied to an armature and shunt field of an elevator driving machine motor, a motor field current sensing means must be provided, which must cause the electric power to be removed from the motor armature and brake unless current is lowing in the shunt field of the motor.

A motor field current sensing means is not required for static control elevators provided with a device to detect an overspeed condition prior to, and independent of, the operation of the governor overspeed switch. This device must cause power to be removed from the elevator driving machine motor armature and machine brake.

(12) Buffer switches for oil buffers used with Type C car safeties: Oil level and compression switches must be provided for all oil buffers used with Type C safeties.

(13) Hoistway door interlocks or hoistway door electric contacts: Hoistway door interlocks or hoistway door electric contacts must be provided for all elevators.

(14) Car door/gate electric contacts: Car door or gate electric contacts must be provided on all elevators.

(15) Normal terminal stopping devices: Normal terminal stopping devices must be provided on every elevator.

(16) Car side emergency exit electric contact: An electric contact must be provided on every car side emergency exit door.

(17) Electric contacts for hinged car platform sills: Hinged car platform sills, where provided, must be equipped with electric contacts.

(18) Stop switch in the elevator pit: A stop switch must be installed in all elevator pits. It must be located between 36 inches to 48 inches above the bottom landing floor and accessible from outside the hoistway.

NEW SECTION

WAC 296-96-23274 What requirements apply to the power supply line disconnect? (1) A disconnect switch or a circuit breaker must be installed and connected into the power supply line to each elevator motor or motor generator set and controller. The power supply line must be equipped with overcurrent protection inside the machine room.

(2) The disconnect switch or circuit breaker must be of the manually closed multipole type and be visible from the elevator driving machine or motor generator set. When the disconnecting means is not within sight of the driving machine, the control panel, or the motor generator set, and additional manually operated switch must be installed adjacent to the remote equipment and connected in the control circuit to prevent starting.

(3) No provision may be made to close the disconnect switch from any other part of the building.

(4) Where there is more than one driving machine in a machine room, disconnect switches or circuit breakers must be numbered to correspond to the number of the driving machine which they control.

NEW SECTION

WAC 296-96-23276 What requirements apply to phase reversal and failure protection methods? Elevators having polyphase alternating current power supply must be equipped with a means to prevent the starting of the elevator motor if the phase rotation is in the wrong direction or is there is a failure of any phase.

This protection may be considered to be provided in the case of generator field control having alternating current motor-generator driving motors, provided a reversal of phase will not cause the elevator driving machine motor to operate in the wrong direction. Controllers on which switches are operated by polyphase torque motors provide inherent protection against phase reversal or failure.

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

NEW SECTION

WAC 296-96-23277 What requirements apply to grounding and overcurrent protections? (1) Control and operating circuit requirements must comply with Article 620-61 of the National Electrical Code.

(2) Grounding methods must comply with Articles 620-81 through 620-85 of the National Electrical Code.

NEW SECTION

WAC 296-96-23278 What requirements apply to the absorption of regenerated power? When a power source is used which, in itself, is incapable of absorbing the energy generated by an overhauling load, means for absorbing sufficient energy to prevent the elevator from attaining governor tripping speed or a speed in excess of 125 percent of rated speed, whichever is lesser, must be provided on the load side of each elevator power supply line disconnecting means.

NEW SECTION

WAC 296-96-23279 What requirements apply to door by-pass systems? Door by-pass systems, where used, must conform to the requirements of ASME A17.1, Rule 210.1e.

Section 11

Emergency Operation and Signaling Devices

NEW SECTION

WAC 296-96-23280 What requirements apply to all car emergency signaling devices in all buildings? All elevators must be equipped with an audible signaling device that can be activated by a switch or button marked "alarm". This switch or button must be located in or adjacent to each car's operating panel.

The signaling device must be located inside the building and audible inside the car and outside the hoistway. One signaling device may be used for a group of elevators.

Section 12

Suspension Systems and Their Connections

NEW SECTION

WAC 296-96-23282 What requirements apply to suspension systems? Cars must be suspended by steel wire ropes attached to the car frame or passing around sheaves attached to the car frame. Only iron (low carbon steel) or steel wire ropes, having the commercial classification "elevator wire rope," or wire rope specifically constructed for elevator use may be used for the suspension of elevator cards and

for the suspension of counterweights. The wire material for ropes must be manufactured by the open-hearth or electric furnace process or its equivalent.

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

NEW SECTION

WAC 296-96-23283 What requirements apply to rope data tags? At each rope renewal, a new metal data tag must be securely attached to one of the wire rope fastenings. Rope data tags must be durable must be durable and readily legible. The height of letters and figures must be no less than 1/16 inch. This data tag must bear the following information:

- (1) The diameter in inches;
- (2) The manufacturer's rated breaking strength;
- (3) The grade of material used;
- (4) The month and year the ropes were installed;
- (5) Whether nonpreformed or preformed;
- (6) Construction classification
- (7) Name of the person or firm who installed the ropes;
- (8) Name of the manufacturer of the rope;
- (9) The number of ropes; and
- (10) The date on which the rope was resocketed or other types of fastening changed.

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

NEW SECTION

WAC 296-96-23284 What is the factor of safety for wire suspension ropes? The factor of safety for wire suspension ropes must at least be equivalent to the values shown in the following table. The factor of safety must be based on the actual rope speed corresponding to the car's rated speed. The factor of safety must be calculated by the following formula:

$$f = S \text{ times } N \text{ over } W$$

where

N = number of runs of rope under load. (For 2:1 roping, twice the number of ropes used. For 3:1 roping, three times, etc.)

S = manufacturer's rated breaking strength of one rope.

W = maximum static load imposed on all car ropes with the car and its rated load at any position in the hoistway.

Table 3.7.1

MAXIMUM FACTORS OF SAFETY FOR SUSPENSION WIRE ROPES

Rope Speed, fpm	Minimum Factor of Safety		Rope Speed, fpm	Minimum Factor of Safety	
	Passenger	Freight		Passenger	Freight
50	7.60	6.65	605	10.85	9.65
75	7.75	6.85	700	11.00	9.80
100	7.95	7.00	750	11.15	9.90

PROPOSED

125	8.10	7.15	800	11.25	10.00
150	2.25	7.30	850	11.35	10.10
175	8.40	7.45	900	11.45	10.15
200	8.60	7.65	950	11.50	10.20
225	8.75	7.75	1000	11.55	10.30
250	8.90	7.90	1050	11.65	10.35
300	9.20	8.20	1100	11.70	10.40
350	9.50	8.45	1150	11.75	10.45
400	9.75	8.70	1200	11.80	10.50
450	10.00	8.90	1250	11.80	10.50
500	10.25	9.15	1300	11.85	10.55
550	10.45	9.30	1350	11.85	10.55
600	10.70	9.50	1400-2000	11.90	10.55

NEW SECTION

WAC 296-96-23285 What is the minimum number of suspension ropes allowed? All elevators, except freight elevators that do not carry passengers or freight handlers and have no means of operation in the car, must conform to the following requirements:

(1) The minimum number of hoisting ropes used is three for traction elevators and two for drum-type elevators. Where a car counterweight is used, the number of counterweight ropes used must not be less than two.

(2) The minimum diameter of hoisting and counterweight ropes is 3/8 inch. Outer wires of the ropes must be no less than 0.024 inch in diameter. The term "diameter" where used in this section refers to the nominal diameter as given by the rope manufacture.

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

NEW SECTION

WAC 296-96-23287 What requirements apply to suspension rope equalizers? Suspension rope equalizers, where provided, must be of the individual-compression spring type.

Equalizers of other type may be used with traction elevators provided the equalizers and fastenings are approved by the authority having jurisdiction on the basis of adequate tensile and fatigue tests make by a qualified laboratory. Such tests must show the ultimate strength of the equalizer and its fastenings in its several parts and assembly, which must be no less than 10 percent in excess of the strength of suspension ropes, provided that equalizers of the single-bar type, or springs in tension, must not be used to attach suspension ropes to cars or counterweights or to dead-end hitch plates.

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

NEW SECTION

WAC 296-96-23288 What requirements apply to securing suspension wire ropes to winding drums? Sus-

pension wire ropes on winding drum machines must have the drum ends of the ropes secured on the inside of the drum by clamps, tapered babbitted sockets, or other means approved by the department.

NEW SECTION

WAC 296-96-23289 What requirements apply to spare rope turns on winding drum machines? Suspension wire ropes of winding drum machines must have the drum ends of the ropes secured on the inside of the drum by clamps or by tapered babbitted sockets, or by other means approved by the department.

NEW SECTION

WAC 296-96-23290 What requirements apply to suspension rope fastenings? Spliced eyes by return loop may continue in service. Suspension rope fastenings must conform to the requirements of However, when suspension ropes are replaced, their fastenings must ASME A17.1 Rule 212.9 when the ropes are replaced.

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

NEW SECTION

WAC 296-96-23291 What requirements apply to auxiliary rope fastening devices? Auxiliary rope fastening devices, designed to support cars or counterweights if any regular rope fastenings fail, may be provided subject to approval by the authority having jurisdiction.

**Subpart III
Hydraulic Elevators**

NEW SECTION

WAC 296-96-23300 What is the scope of Subpart III, Hydraulic Elevators? Subpart III, Hydraulic Elevator, is the

minimum standard for existing direct plunger and roped hydraulic elevators.

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

Section 1 Hoistways, Hoistway Enclosures, and Related Construction

NEW SECTION

WAC 296-96-23302 What requirements apply to hoistways, hoistway enclosures and related construction? All hoistways, hoistway enclosures and related construction must conform to the requirements of Subpart I, Hoistways and Related Construction for Electric and Hydraulic Elevators.

Section 2 Mechanical Equipment

NEW SECTION

WAC 296-96-23304 What requirements apply to buffers and bumpers? Car buffers or bumpers must be provided. Solid bumpers may be used in lieu of buffers where the rated speed is 50 feet per minute or less.

NEW SECTION

WAC 296-96-23307 What requirements apply to car frames and platforms? All car frames and platforms must conform to the requirements of WAC 296-96-23206.

NEW SECTION

WAC 296-96-23309 What requirements apply to car enclosures? Car enclosures must conform to the requirements of WAC 296-96-23215.

NEW SECTION

WAC 296-96-23311 What requirements apply to capacity and loading? Capacity and loading must conform to the requirements of WAC 296-96-23240.

Section 3 Driving Machines

NEW SECTION

WAC 296-96-23313 What requirements apply to driving machine connections? The driving member of a direct plunger driving machine must be attached to the car frame or car platform with fastenings of sufficient strength to support that member.

The connection to the driving machine must be capable of withstanding, without damage, any forces resulting from a plunger stop.

NEW SECTION

WAC 296-96-23316 What requirements apply to plunger stops? Plungers must be provided with solid metal stops and/or other means to prevent the plunger from traveling beyond the limits of the cylinder. Stops must be designed and constructed so as to stop the plunger from maximum speed in the up direction under full pressure without damage to the connection to the driving machine, plunger, plunger connection, or any other parts of the hydraulic system. For rated speeds exceeding 100 feet per minute where a solid metal stop is provided, means other than the normal terminal stopping device (i.e., emergency terminal speed limiting device) must be provided to retard the car to 100 feet per minute with a retardation no greater than gravity, before striking the stop.

Section 4 Valves, Supply Piping, and Fittings

NEW SECTION

WAC 296-96-23318 What requirements apply to pump relief valves? (1) Each pump or group of pumps must be equipped with a relief valve conforming to the following specifications, except as covered by subsection (2) of this section:

(a) The relief valve must be located between the pump and the check valve and must be of such a type and installed in the by-pass connection so that the valve cannot be shut off from the hydraulic system.

(b) The relief valve must be preset to open at a pressure no greater than 125 percent of working pressure.

(c) The size of the relief valve and by-pass must be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than 20 percent above that at which the valve opens. Two or more relief valves may be used to obtain the required capacity.

(d) Relief valves having exposed pressure adjustments, if used, must have their means of adjustment sealed after being set to the correct pressure.

(2) No relief valve is required for centrifugal pumps driven by induction motors, provided the shutoff, or maximum pressure which the pump can develop, is not greater than 135 percent of the working pressure at the pump.

NEW SECTION

WAC 296-96-23321 What requirements apply to check valves? A check valve must be provided and must be installed so that it will hold the elevator car with rated load at any point when the pump stops or the maintained pressure drops below the minimum operating pressure.

PROPOSED

NEW SECTION

WAC 296-96-23322 What requirements apply to supply piping and fittings? Supply piping and fittings must be in sound condition and secured in place.

NEW SECTION

WAC 296-96-23323 What requirements apply to flexible hydraulic connections? When flexible hydraulic connections are replaced, the requirements of ANSI A17.1, Rule 303.1d must be met in all respects. Where flexible connections pass through walls, the replacement must be made with steel piping.

Section 5 Tanks

NEW SECTION

WAC 296-96-23324 What general requirements apply to tanks? (1) All tanks must have sufficient capacity to provide for an adequate liquid reserve to prevent the entrance of air or other gas into the system.

(2) The permissible minimum liquid level must be clearly indicated.

NEW SECTION

WAC 296-96-23325 What requirements apply to pressure tanks? (1) Tanks which may be subjected to vacuum sufficient to cause collapse must be provided with one or more vacuum relief valves with openings of sufficient size to prevent collapse of the tank.'

(2) Tanks must be provided with one or more gauge glasses attached directly to the tank and equipped to shut off the liquid automatically in case of failure of the glass. The gauge glass or glasses must be located so as to indicate any level of the liquid between permissible minimum and maximum levels and be equipped with a manual cock at the bottom of the lowest glass.

(3) Tanks must be provided with a pressure gauge which will indicate the pressure correctly to no less than 1 1/2 times the pressure setting of the relief valve. The gauge must be connected to the tank or water column by pipe and fittings with a stop cock in such a manner that it cannot be shut off from the tank except by a stop cock. The stop cock must have a "T" or level handle set in line with the direction of flow through the valve when open.

(4) Tanks must have a 1/4 inch pipe size valve connection for attaching an inspector's pressure gauge which the tank is in service.

(5) Tanks must be equipped with means to render the elevator inoperative if for any reason the liquid level in the tank falls below the permissible minimum.

(6) Tanks must be equipped with means for internal inspection.

(7) Piping and fittings for gauge glasses, relief valves, and pressure gauges must be of a material that will not be corroded by the liquid used in the tank.

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.

Section 6 Terminal Stopping Devices

NEW SECTION

WAC 296-96-23326 What requirements apply to terminal stopping devices? Terminal stopping devices must conform to the requirements of WAC 296-96-23262.

Section 7 Operating Devices and Control Equipment

NEW SECTION

WAC 296-96-23328 What requirements apply to operating devices? Operating devices must conform to the requirements of WAC 296-96-23266 and WAC 296-96-23268.

NEW SECTION

WAC 296-96-23330 What requirements apply to car top operating devices? Top-of-car operating devices must be provided and must conform to the requirements of WAC 296-96-23270, except for uncounterweighted elevators having a rise of no more than 15 feet.

The bottom normal terminal stopping device may be made ineffective while the elevator is under the control of the top-of-car operating device.

NEW SECTION

WAC 296-96-23332 What requirements apply to anti-creep leveling devices? Each elevator must be provided with an anticreep leveling device conforming to the following specifications:

(1) It must maintain the car within 3 inches of the landing regardless of the position of the hoistway door.

(2) For electrohydraulic elevators, it must operate the car only in the up direction.

(3) For maintained pressure hydraulic elevators, it must operate the car in both directions.

(4) Its operation may depend on the availability of the electric power supply provided that:

(a) The power supply line disconnecting means required by WAC 296-96-23274 is kept in the closed position at all times except during maintenance, repairs, and inspections;

(b) The electrical protective devices required by WAC 296-96-23334 must not cause the power to be removed from the device.

NEW SECTION

WAC 296-96-23334 What requirements apply to electrical protective devices? Electrical protective devices,

if provided, must conform with the requirements of WAC 296-96-23272 and operate as follows:

(1) The following devices must prevent operation of the elevator by the normal operating device and also the movement of the car in response to the anticreep leveling device:

- (a) Stop switches in the pit;
- (b) Stop switches on top of the car; and
- (c) Car side emergency exit door electric contacts, where such doors are provided.

(2) The following devices must prevent the operation of the elevator by the normal operating device but the anticreep leveling device required by WAC 296-96-23332 must remain operative:

- (a) Emergency stop switches in the car;
- (b) Broken rope, tape, or chain switches on normal terminal stopping devices when such devices are located in the machine room or overhead space;
- (c) Hoistway door interlocks or hoistway door electric contacts;
- (d) Car door or gate electric contacts; and
- (e) Hinged car platform sill electric contacts.

NEW SECTION

WAC 296-96-23336 What requirements apply to power supply line disconnects? Power supply line disconnects must conform to the requirements of WAC 296-96-23274.

NEW SECTION

WAC 296-96-23338 What requirements apply to devices that make hoistway door interlocks or electric contacts and car door (gate) electric contacts inoperative? The installation of these contacts must conform to the requirements of WAC 296-96-23221.

NEW SECTION

WAC 296-96-23340 What requirements apply to control and operating circuits? Control and operating circuits must conform to the requirements of WAC 296-96-23222.

NEW SECTION

WAC 296-96-23342 What requirements apply to emergency operation and signaling devices? Emergency operation and signaling devices must conform to the requirements of WAC 296-96-23280.

Section 8

Additional Requirements for Counterweighted Hydraulic Elevators

NEW SECTION

WAC 296-96-23344 What additional requirements apply to counterweighted hydraulic elevators? Counter-

weighted hydraulic elevators must be roped so that the counterweight must not strike the overhead when the car is resting on its fully compressed buffer. Counterweighted hydraulic elevators must conform to the requirements of WAC 296-96-23205, where applicable.

Where counterweights are provided, counterweight buffers must be provided.

Subpart IV Escalators

NEW SECTION

WAC 296-96-23400 What is the scope of Subpart IV, Escalators? Subpart IV, Escalators, is the minimum standard for existing escalators that are used to transport passengers.

Section 1 Construction

NEW SECTION

WAC 296-96-23405 What requirements apply to balustrades? The balustrade must be totally closed except where the handrail enters the newel base. Gaps between interior panels are permitted provided that they are no wider than 3/16 inch and the edges are rounded or beveled.

NEW SECTION

WAC 296-96-23408 How much clearance is required between skirt panels and step treads? The clearance on each side of the steps between the step tread and the adjacent skirt panel must be no more than 3/16 inch.

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

NEW SECTION

WAC 296-96-23410 What requirements apply to guards at ceiling or soffit intersections? (1) A solid guard must be provided in the intersection of the angle of the outside balustrade (deck board) and the ceiling or soffit, except as indicated in subsection (2) of this section. The vertical edge of the guard must be a minimum of 8 inches. The escalator side of the vertical face of the guard must be flush with the face of the wellway. The exposed edge of the guard must be rounded and have a minimum width of 1/4 inch.

(2) Guards are not required under the following conditions:

(a) On high decks where the clearance of the outside edge of the deck and the ceiling or soffit is more than 12 inches or where the projected intersection of the outside deck and the ceiling or soffit is more than 24 inches from the centerline of the handrail;

(b) On low decks where the centerline of the handrail is more than 14 inches from the ceiling or soffit.

NEW SECTION

WAC 296-96-23412 What requirements apply to anti-slide devices? On high deck balustrades, anti-slide devices must be provided on decks or combination of decks when the outer edge of the deck is greater than 12 inches from the centerline of the handrail or on adjacent escalators when the distance between the centerline of the handrails is greater than 16 inches.

These devices must consist of raised objects fastened to the decks, not closer than 4 inches to the handrail and spaced not greater than 6 feet apart. The height must be no less than 3/4 inch. There must be no sharp corners or edges.

NEW SECTION

WAC 296-96-23414 What requirements apply to handrails? Each escalator must be equipped with a handrail that moving in the same direction and at substantially the same speed as the steps.

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

NEW SECTION

WAC 296-96-23416 What requirements apply to handrail guards? Hand or finger guards must be provided at the point where the handrail enters the balustrade.

NEW SECTION

WAC 296-96-23418 What requirements apply to step riser slotting? Escalators with smooth curved surface risers must have either:

(1) Steps having cleated risers provided with vertical cleats which mesh with slots on the adjacent step tread as the steps make the transition from the incline to the horizontal; or

(2) Means to cause the opening of the power circuits to the escalator driving machine motor and brake should a step be displaced against the upthrust track at the upper and lower curves in the passenger carrying line of the track system.

NEW SECTION

WAC 296-96-23420 What requirements apply to step tread slotting? The tread surface of each step must be slotted in a direction parallel to the travel of the steps.

NEW SECTION

WAC 296-96-23422 What requirements apply to combplates? There must be a combplate at the entrance and at the exit of every escalator. The combplate teeth must be meshed with and set into the slots in the tread surface so that the points of the teeth are always below the upper surface of the treads.

**Section 2
Brakes**NEW SECTION

WAC 296-96-23424 What general requirements apply to escalator brakes? Escalators must be equipped with a brake capable of stopping the up or down traveling escalator with any load up to the brake rated load. The brake must be mechanically or magnetically applied. If the brake is magnetically applied, a ceramic permanent magnet must be used.

NEW SECTION

WAC 296-96-23427 What requirements apply to main drive shaft brakes? If the escalator brake is separated from the main drive shaft by a chain used to connect the driving machine to the main drive shaft, a mechanically or magnetically applied brake capable of stopping a down running escalator with brake rated load must be provided on the main drive shaft. If the brake is magnetically applied, a ceramic permanent magnet must be used.

**Section 3
Operating and Safety Devices**NEW SECTION

WAC 296-96-23429 What requirements apply to starting switches? Starting switches must be of the key-operated type and must be located so that the escalator steps are within sight.

NEW SECTION

WAC 296-96-23431 What requirements apply to emergency stop buttons? There must be a red stop button in an accessible location at the top and bottom landings of each escalator. The operation of either on of these buttons must cause the interruption of power to the escalator. It must be impossible to start an escalator by means of these buttons. These buttons must be marked "escalator stop button."

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

NEW SECTION

WAC 296-96-23432 What requirements apply to speed governors? (1) A speed governor must be provided, except as specified in subsection (2) of this section. Its operation must cause the interruption of power to the driving machine if the speed of the steps exceeds a predetermined value, which must be no more than 40 percent above the rated speed.

(2) The speed governor is not required where an alternating current squirrel cage induction motor is used and the motor is directly connected to the driving machine. (NOTE:

The governor may be omitted in such case even though a chain is used to connect the sprocket on the driving machine to the sprocket on the main drive shaft.)

NEW SECTION

WAC 296-96-23434 What requirements apply to broken step-chain devices? A broken step-chain device must be provided to cause the interruption of power to the driving machine if a step chain breaks, and, where no automatic chain tension is provided, if excessive sag occurs in either step chain.

NEW SECTION

WAC 296-96-23436 What requirements apply to brake applications? The brake must automatically stop the escalator when any of the safety devices function.

NEW SECTION

WAC 296-96-23438 What requirements apply to broken drive-chain devices? When the driving machine is connected to the main drive shaft by a chain, a device must be provided which will cause the application of the brake on the main drive shaft and also stop the drive machine if the drive chain parts.

NEW SECTION

WAC 296-96-23440 What requirements apply to skirt obstruction devices? Means must be provided to stop the escalator if an object becomes accidentally caught between the step and the skirt as the step approaches the upper or lower combplate. The device shall be located so that the escalator will stop before that object reaches the combplate.

NEW SECTION

WAC 296-96-23442 What requirements apply to rolling shutter devices? Rolling shutters, if used, must be equipped with a device which will be activated as the shutters begin to close to cause the opening of the power circuit to the escalator driving machine motor and brake.

NEW SECTION

WAC 296-96-23444 What requirements apply to reversal stop device? Means must be provided to cause the opening of the power circuit to the driving machine motor and brake in case of accidental reversal of travel while the escalator is operating in the ascending direction.

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

NEW SECTION

WAC 296-96-23446 What requirements apply to tandem operations? Tandem operation escalators must be electrically interlocked where traffic flow is such that bunching will occur if the escalator is carrying passengers away from the intermediate landing stops.

The electrical interlocks must stop the escalator carrying passengers into the common intermediate landing if the escalator carrying passengers away from the landing stops. These escalators must also be electrically interlocked to assure that they run in the same direction.

NEW SECTION

WAC 296-96-23448 What requirements apply to caution signs? A caution sign must be located at the top and bottom landings of each escalator, readily visible to the boarding passengers. The sign must be of the standard design recognized by the elevator industry and include the following:

- (1) Caution;
- (2) Passenger only;
- (3) Hold handrail;
- (4) Attend children; and
- (5) Avoid sides.

Section 4 Lighting of Step Treads

NEW SECTION

WAC 296-96-23450 What requirements apply to step tread lighting? Step treads must be illuminated throughout their run. The light intensity on the treads must be in accordance with local codes and ordinances for stairways.

It is recommended that the illumination be of uniform intensity and that it not contrast significantly with that of the surrounding area.

Subpart V Dumbwaiters and Hand-powered Elevators

NEW SECTION

WAC 296-96-23500 What is the scope of Subpart V, Dumbwaiters and hand-powered elevators? Subpart V, Dumbwaiters and Hand-powered Elevators, is a minimum standard for existing electric and hand-powered dumbwaiters and hand-powered elevators.

NEW SECTION

WAC 296-96-23510 What requirements apply to electric and electro-hydraulic dumbwaiters? (1) Dumbwaiter cars may be constructed of metal or wood and must be in compliance with local ordinances as to fire resistance providing it is constructed to carry its rated load without distortion. The dumbwaiter car must be fully enclosed except for

the landing sides. The car floor must not exceed 9 square feet in area and the total inside height must not exceed 4 feet and the maximum capacity must not exceed 500 pounds.

(2) Electrically-operated machines must be equipped with brakes that are electrically released and applied automatically by springs in conformity with the requirements set forth in WAC 296-96-23260.

(3) Dumbwaiters equipped with winding drum machines having a travel of more than 30 feet and a rated load of more than 100 pounds, must be equipped with a slack rope switch which will automatically remove the power from the motor and brake when the hoisting ropes become slack.

NEW SECTION

WAC 296-96-23540 What requirements apply to hand-power elevators and dumbwaiters? (1) Cars of hand-power elevators and dumbwaiters must be enclosed on all sides not used for entrance. Elevator cars upon which an operator is permitted to ride must have no more than one compartment.

(2) Hand elevators having a travel of more than 15 feet must have a car safety, capable of stopping and sustaining the car and rated load. The car safety device need not be operated by a speed governor and may be of the instantaneous type operated as a result of the breaking and slackening of the suspension members.

(3) Hoistway doors for hand-powered elevators must be designed so that they will ensure protection at each landing.

(4) Doors for hand-powered dumbwaiters must be designed so that they will ensure protection at all landings.

(5) Every hoistway door, gate, or entrance of hand elevators and hand dumbwaiters must have conspicuously displayed on the landing side in letters no less than 2 inches high, the words "Danger—Elevator—Keep closed," or "Danger—Dumbwaiter—Keep closed."

Subpart VI

Alterations, Repairs and Maintenance

NEW SECTION

WAC 296-96-23600 What is the scope of Part VI, Alterations, Repairs and Maintenance? Subpart VI, Alterations, Repairs and Maintenance, applies to periodic inspections, tests, alterations, and maintenance.

NEW SECTION

WAC 296-96-23610 What requirements apply to routine periodic inspections and tests? The owner or the owner's agent must ensure that there conveyances are inspected and tested periodically by a person qualified to perform such services, and a report indicating the date of inspection with all pertinent data included must be sent to the department.

The inspection and tests must be in compliance with the following sections of ASME A17.1, Part X:

- (a) Section 1000, Rule 1000.1, Rule 1000.2, Rule 1000.3;
- (b) Section 1001, Rule 1001.1, Rule 1001.2;
- (c) Section 1002, Rule 1002.1, Rule 1002.2, Rule 1002.3;
- (d) Section 1004, Rule 1004.2;
- (e) Section 1005, Rule 1005.1, Rule 1005.2, Rule 1005.3, Rule 1005.4;
- (f) Section 1007, Rule 1007.2;
- (g) Section 1008, Rule 1008.1, Rule 1008.2;
- (h) Section 1010, Rule 1010.1, Rule 1010.2, Rule 1010.3, Rule 1010.4, Rule 1010.5, Rule 1010.6, Rule 1010.7.

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

NEW SECTION

WAC 296-96-23620 What requirements apply to alterations, repairs and maintenance? The owner or the owner's agent is responsible for the safe operation, proper maintenance, and alteration of his or her conveyance(s) and must comply with ASME A17.1, Part XII.

NEW SECTION

WAC 296-96-23630 What requirements apply to elevator equipment displaced by seismic activity? Any elevator equipment, hydraulic or cable type, that is displaced as a result of seismic activity must be anchored to conform with current standards, when repaired or reanchored to the building.

Subpart VII

Lifts for Physically Handicapped

NEW SECTION

WAC 296-96-23700 What is the scope of Subpart VII, Lifts for Physically Handicapped? The department's rules regulating lifting devices for physically handicapped people are described in this subpart.

NEW SECTION

WAC 296-96-23710 What requirements apply to lifts for the physically handicapped? Inclined and vertical chair-lifts and inclined and vertical wheelchair lifts installed only for use by persons with disabilities in locations other than in or at a private residence must be equipped with a standard electric switch Chicago lock with key #2252. This requirement is in addition to ASME A17.1, Part XX, and the Washington State rules and regulations on barrier-free design.

**Subpart VIII
Sidewalk Elevators**

NEW SECTION

WAC 296-96-23800 What is the scope of Subpart VIII, Sidewalk Elevators? Subpart VIII, Sidewalk Elevators, is a minimum standard for existing power sidewalk elevators.

NEW SECTION

WAC 296-96-23810 What requirements apply to electrically-operated sidewalk elevators? Where the top opening is located in the sidewalk or other area exterior to the building, all electrical equipment on the car or in the hoistway must be weatherproof. The operation of power sidewalk elevators through openings in the sidewalk, or through openings in other exterior areas which are protected by hinged doors or vertically lifting covers, must conform to these following requirements:

(1) The elevator must be operable in both the up and down directions through the opening, only from the sidewalk or other exterior area. The operations must be by means of:

(a) Key-operated continuous pressure type, up and down switches; or

(b) Continuous pressure type up and down operating buttons on the free end of a detachable, flexible cord five feet or less in length.

(c) Continuous pressure type up and down operating buttons may be installed on the elevator car providing the control is so designed that the buttons will not function unless the sidewalk doors are locked in the open position and that a safety screen that will open and close with the car is installed.

(2) Key-operated switches must be of continuous pressure spring-return type, with the key removable only when the switch is in the off position.

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

**WSR 00-16-003
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed July 20, 2000, 10:10 a.m.]

Continuance of WSR 00-12-072.

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

Title of Rule: WAC 356-22-220 Veterans preference in examinations, 251-17-150 Veterans preference, and 251-01-175 Final examination score.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

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

Name of Proponent: Department of Personnel, governmental.

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

Proposal Changes the Following Existing Rules: See above.

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

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on September 19, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by September 12, 2000, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by September 15, 2000.

Date of Intended Adoption: September 19, 2000.

July 19, 2000

Dennis Karras

Secretary

**WSR 00-16-014
PROPOSED RULES
DEPARTMENT OF REVENUE**
[Filed July 21, 2000, 2:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-082.

Title of Rule: WAC 458-20-192 Indians—Indian reservations—Trust lands.

Purpose: To describe the tax-reporting and tax-collecting responsibilities of Indians and Indian tribes doing business on and off of Indian land and nonmembers doing business on Indian land.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Rule 192 reflects the application of the Revenue Act to Indians and nonmembers doing business with Indians in accordance with federal law, federal court decisions, and the United States Constitution.

Summary: This rule explains the tax-collecting and tax-reporting responsibilities of Indian tribes, enrolled members of Indian tribes, and nonmembers doing business on Indian land with Indians and/or nonenrolled persons. The rule is being revised to reflect federal court decisions that have occurred since the rule was last revised.

Reasons Supporting Proposal: The information provided in the current rule is out of date. The rule needs to be revised to reflect current federal court decisions, and to provide additional guidance regarding business activities engaged in by Indians and by nonmembers doing business with Indians.

Name of Agency Personnel Responsible for Drafting: Leslie Cushman, 1025 Capital Plaza, Suite #400, Olympia, WA, (360) 570-6122; Implementation: Claire Hesselholt, 1025 Capital Plaza, Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the tax-collecting and tax-reporting responsibilities of Indian tribes, enrolled members of Indian tribes, and nonmembers doing business on Indian land with Indians and/or nonenrolled persons. It also explains the tax-collecting and tax-reporting responsibilities of nonmembers doing business with Indians and Indian tribes both on and off Indian land.

The rule is being revised to reflect federal court decisions that have occurred since the rule was last revised. The proposed rule clarifies the tax responsibilities of Indian tribes and members of Indian tribes doing business outside Indian land. It addresses the business activities for which federal law has preempted state taxation (e.g., treaty fisheries). It clarifies the application of the cigarette tax imposed by chapter 82.24 RCW (administered by the Department of Revenue and enforced by the Liquor Control Board), and the taxability of motor vehicles or trailers used in part on Indian land by an Indian or Indian tribe. The proposed rule also provides a sample declaration statement that may be used to substantiate the exempt nature of a sale when property is delivered to an Indian or Indian tribe on Indian land. It explains the documentation requirements that must be satisfied to substantiate a claim of a tax-exempt sale. The purpose of this revision is to provide a current explanation of the state of tax law with respect to the business activities of Indians, Indian tribes, and non-Indians doing business with Indians and Indian tribes.

Proposal Changes the Following Existing Rules: This is a revision to current WAC 458-20-192. See explanations above for a description of the proposed changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burden upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule is an interpretive rule as defined in RCW 34.05.328.

Hearing Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue, Olympia, WA, on September 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 570-6176.

Submit Written Comments to: Leslie Cushman, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail leslic@dor.wa.gov, by September 6, 2000.

Date of Intended Adoption: September 20, 2000.

July 21, 2000

Claire Hesselholt
Rules Manager

Legislation and Policy Division

AMENDATORY SECTION (Amending Order ET 80-3, filed 11/14/80)

WAC 458-20-192 Indians—Indian reservations—Trust lands.

((Definitions

~~The term "Indian reservation," as used herein, means all lands, notwithstanding the issuance of any patent, within the exterior boundaries of areas set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law, or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.~~

~~The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.~~

~~The term "Indian tribe," as used herein, means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.~~

~~The term "Indian," as used herein, means a person duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.~~

~~Note: For purposes of this rule, with respect to determining tax liability regarding any economic transaction or activity, the term "Indian tribe" includes only an Indian tribe upon and within whose Indian reservation such transaction or activity occurs, and the term "Indian" includes only a person duly registered on the tribal rolls of the Indian tribe upon and within whose Indian reservation such transaction or activity occurs.~~

~~Under the revenue laws of the state of Washington, the tax liability of Indians and of persons conducting business with Indians is as follows:~~

Business and Occupation Tax

~~Indians and Indian tribes are not taxable with respect to business conducted by them within an Indian reservation.~~

~~No deduction is allowed to others by reason of business conducted with Indians or Indian tribes within an Indian reservation.~~

Retail Sales Tax

~~Indians and Indian tribes are not subject to the sales tax upon sales to them of tangible personal property made, or otherwise taxable services rendered, within an Indian reservation.~~

PROPOSED

Sales of tangible personal property to Indians or Indian tribes by off-reservation persons are subject to the retail sales tax except where the seller makes actual delivery of the property sold to a point within an Indian reservation.

Sales of taxable services to Indians or Indian tribes are subject to the retail sales tax except where the services are rendered within an Indian reservation.

Sales to persons other than Indians are subject to the retail sales tax irrespective of where delivery or rendition of services takes place. Thus, Indian and Indian tribal retailers are required to collect and remit to the state the retail sales tax upon each taxable sale made by them within an Indian reservation to persons other than Indians.

In order to substantiate the tax-exempt status of a retail sale made within an Indian reservation to an Indian purchaser, unless the purchaser is personally known to the retailer as an enrolled Indian, the retailer shall require presentation of a tribal membership card identifying the purchaser as duly registered on the tribal rolls of an Indian tribe under such lawful criteria as the tribal organization has established. A record shall be retained by the retailer of all tax-exempt sales to support the sales tax deduction on returns filed with the department, identifying the dollar amount of the sale and indicating the name of the purchaser, tribal affiliation of the purchaser, the Indian reservation to which or within which delivery or rendition of services was made, and the date of sale.

Use Tax

Indians and Indian tribes are not subject to the use tax upon the use of tangible personal property within an Indian reservation. However, Indians and Indian tribes will become liable for the use tax when any such property is placed into actual use outside the Indian reservation, irrespective of the fact that the first use of the property may have been within the reservation.

Special application of retail sales tax and use tax with respect to sales of motor vehicles or trailers to Indians and Indian tribes. When motor vehicles or trailers sold to Indians or Indian tribes are licensed by the state of Washington at the time of sale, or at any time thereafter, a presumption is raised that such motor vehicles or trailers are for use on the highways of the state of Washington outside the reservation. When motor vehicles or trailers are licensed prior to delivery, dealers are required to collect the retail sales tax in every instance when valid plates remain on the vehicle or trailer, regardless of delivery point. County auditors must collect the use tax when Indians or Indian tribes apply for a license or transfer of registration unless the applicant can show that retail sales tax or use tax has previously been paid on the sale or use of the vehicle or trailer by the applicant.

Cigarette Tax

Sales of cigarettes to non-Indians by Indians or Indian tribes are subject to the cigarette tax, since the tax is levied upon the non-Indian purchaser and the vendor is obligated to make precollection of the tax. Therefore, Indian or tribal vendors making, or intending to make, sales to non-Indian customers must purchase a stock of cigarettes with Washington

state cigarette tax stamps affixed for the purpose of making such sales. However, Indians and Indian tribes may make purchases of unstamped cigarettes from licensed cigarette distributors for resale to qualified purchasers. For purposes of this rule, "qualified purchaser" means (1) an Indian purchasing for resale within the reservation to other Indians, and (2) an Indian purchasing solely for his or her use other than for resale.

Delivery or sale and delivery by any person of unstamped cigarettes to Indians or tribal vendors for sale to qualified purchasers may be made only in such quantity as is approved in advance by the department of revenue. Approval for delivery will be based upon evidence of a valid purchase order of a quantity reasonably related to the probable demand of qualified purchasers in the trade territory of the vendor. Evidence submitted may also consist of verified record of previous sales to qualified purchasers, the probable demand as indicated by average cigarette consumption for the number of qualified purchasers within a reasonable distance of the vendor's place of business, records indicating the percentage of such trade that has historically been realized by the vendor, or such other statistical evidence submitted in support of the proposed transaction. In the absence of such evidence the department may restrict total deliveries of unstamped cigarettes to any reservation or to any Indian or tribal vendor thereon to a quantity reasonably equal to the national average cigarette consumption per capita, as compiled for the most recently completed calendar or fiscal year by the Tobacco Tax Institute, multiplied by the resident enrolled membership of the affected tribe. Any delivery, or attempted delivery, of unstamped cigarettes to an Indian or tribal vendor without advance approval by the department will result in the treatment of those cigarettes as contraband and subject to seizure and in addition the person making or attempting such delivery will be held liable for payment of the cigarette tax and penalties. Approval for sale or delivery to Indian or tribal vendors of unstamped cigarettes will be denied where the department finds that such Indian or tribal vendors are or have been making sales in violation of this rule.

Delivery of unstamped cigarettes by a licensed distributor to Indians or Indian tribes must be by bonded carrier or the distributor's own vehicle to the Indian reservation. Delivery of unstamped cigarettes at the distributor's dock or place of business or any other off-reservation location is prohibited.

Revised November 14, 1980.))'

(1) Introduction. This rule describes the tax reporting and tax collecting responsibilities of Indians doing business on and off of Indian land and nonmembers doing business on Indian land with Indians and Indian tribes. This rule only addresses those taxes administered by the department of revenue (department).

(2) Definitions. The following definitions apply throughout this rule:

(a) "Indian" means a person on the tribal rolls of the Indian tribe on whose land the activity takes place. A person on the tribal rolls is also known as an "enrolled member" or a "member" or an "enrolled person" or an "enrollee" or a "tribal member."

PROPOSED

(b) "Indian tribe" means an Indian nation, tribe, band, community, or other entity recognized as an "Indian tribe" by the United States Department of the Interior. The phrase "federally recognized Indian tribe" and the term "tribe" have the same meaning as "Indian tribe."

(c) "Indian land" means land within the boundaries of a reservation, trust land, and restricted land.

(i) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries of areas set aside by the United States for the use and occupancy of Indian tribes by treaty, law, or executive order and that are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

(ii) "Trust land" means land held in trust by the United States for an individual Indian or an Indian tribe.

(iii) "Restricted land" means land subject to a restriction against alienation imposed by the United States.

(d) "Nonmember" means a person not on the tribal rolls of the Indian tribe.

(3) Indian reservations. As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at their website, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
360-753-2411

(4) Recordkeeping.

(a) **Generally.** Taxpayers are required to maintain appropriate records on the tax exempt status of transactions. For example, in the case of the refuse collection tax, the refuse collection company must substantiate the tax-exempt status of its customers. This can be done one of two ways. The tribe can provide the refuse collection company with a list of all of the tribal members living on Indian land or the individual members can provide exemption certificates to the company. A buyer's retail sales tax exemption certificate that can be used for this purpose is located on the department's website (www.dor.wa.gov/forms/other.htm) or may be obtained by contacting the department. The company must then keep the list or the certificates in its files as proof of the tax exempt status of the tribe and its members. Individual businesses may contact the department to determine how best to keep records for specific situations.

Persons engaging in any business activity subject to a tax administered by the department are required to keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of tax that may be due.

(b) **Retail sales.** In the case of a retail sale that is not subject to tax, the seller must retain appropriate records to support the sales tax deduction on returns filed with the department. The records must identify the dollar amount of the sale and indicate the name and tribal affiliation of the purchaser, place to which delivery or rendition of services was made, and the date of sale.

(5) Enrolled Indians on Indian land. The state may not tax Indians or Indian tribes conducting business on Indian land. This exclusion from tax does not extend to persons who are not enrolled with the tribe upon whose land the activity takes place or to other tribes.

This includes all taxes (e.g., B&O tax, public utility tax, retail sales tax, use tax, cigarette tax). If the incidence of the tax falls on an Indian or a tribe, the state has no authority to impose the tax if the activity takes place on Indian land or the activity is directly associated with treaty fishery activity as described in this rule. "Incidence" means upon whom the tax is imposed. For example, the incidence of the retail sales tax is on the buyer.

For the purposes of the retail sales tax and other taxes imposed on the buyer, tax is not imposed if the tangible personal property is delivered to the member or tribe on Indian land or if the service (e.g., construction services) is performed for the member or tribe on Indian land.

If a contract for retail services, such as constructing, is for work both on and off of Indian land, only the portion of the contract that relates to work done on Indian land is excluded from tax. The work done for a tribe or Indian off of Indian land, for example sewer line work that extends off of Indian land, is subject to retail sales tax. In addition, the contractor is subject to the state business and occupation tax on the gross income from this portion of the contract. Conversely, based on the federal preemption analysis for Indian traders, the contractor is not subject to state B&O tax on the income on the portion of the work on Indian land.

Subsequent use by an Indian off of Indian land of property delivered to or acquired on Indian land will not subject the Indian to use tax.

(a) **Registration requirements.** Generally, enrolled members who are doing business solely on Indian land are not required to register with the department. See "tax collection" below for retailer registration obligations. Nonmember-owned businesses doing business on Indian land must register with the department if required to do so under RCW 82.32.030 (see also WAC 458-20-101 for more information regarding registration requirements).

(b) **Tax collection.** Generally, sales to persons other than Indians are subject to the retail sales tax irrespective of where in this state delivery or rendition of services takes place. All sellers, both Indians and nonmembers, are required to register with the department, and collect and remit to the state the retail sales tax upon each taxable sale made by them to nonmembers on Indian land. Some sales by Indians to nonmembers are not subject to tax. See the discussion below regarding preemption of tax.

In order to substantiate the tax-exempt status of a retail sale made on Indian land to a person who is a tribal member, unless the purchaser is personally known to the seller as a member, the seller must require presentation of a tribal membership card or other suitable identification of the purchaser as an enrollee of the Indian tribe.

A tribe and the department may enter into an agreement covering identification of enrolled members, in which case the terms of the agreement govern.

(c) Corporations or other entities owned by Indians.

A state chartered corporation comprised solely of Indians is not subject to tax on business conducted on Indian land if all of the members of the corporation are enrolled members of the tribe upon whose reservation or trust land the business is conducted. The corporation is subject to tax on business conducted off of Indian land, subject to the exception for treaty fishery activity as explained later in this rule. Similarly, partnerships or other entities owned solely by enrolled members of a tribe are not subject to tax on business conducted on Indian land.

(6) Indians off Indian land. Except for treaty fishery activity, the income of the business of Indians or Indian tribes attributable to tangible personal property delivered off of Indian land, services performed off of Indian land, and other taxable activity performed off of Indian land, are subject to tax (e.g., the B&O, the public utility tax, retail sales tax) unless a specific exemption applies (e.g., retail sales tax exemption for food products as described in WAC 458-20-244).

(a) Registration requirements. Indians or Indian tribes who deliver tangible personal property, provide services, or otherwise engage in business off of Indian land, even if business is also conducted on Indian land, must register with the department as required by RCW 82.32.030. (See also WAC 458-20-101 for more registration information.)

(b) Treaty fishery - Preemption. For the purpose of this rule, "treaty fishery" means the fishing and shellfish rights preserved in a tribe's treaty, a federal executive order, or an act of Congress, declaring the right to fish in usual and accustomed fishing grounds both on and off of Indian land. It includes activities such as harvesting, processing, transporting, or selling.

(i) The income of a business attributable to commerce associated with the treaty fishery is not subject to tax. This exclusion from tax is limited to those businesses owned and managed by Indians who have treaty fishing rights. "Commerce associated with the treaty fishery" includes harvesting, processing, transporting, and selling of fish or shellfish caught in the treaty fishery. If a business owned and managed by Indians or an Indian tribe or tribes deals with both treaty and nontreaty fish, this exclusion from tax is limited to the business attributable to the treaty fish.

Treaty fish and shellfish sold by members of the tribe are not subject to sales tax or use tax, regardless of where the sale takes place.

(ii) The retail sales tax and use tax do not apply to the services or tangible personal property for use in the treaty fishery, regardless of where delivery of the item or performance of the service occurs. Gear, such as boats, motors, nets, and clothing, purchased or used by Indians in the treaty fishery is not subject to sales or use tax. Likewise, retail services in respect to property used in the treaty fishery, such as boat or engine repair, are not subject to sales tax.

(iii) A tribe and the department may enter into an agreement covering the treaty fishery and taxable activities of enrolled members, in which case the terms of the agreement govern.

(7) Nonmembers on Indian land. Generally a nonenrolled person doing business on Indian land is subject to tax. Unless specifically described as preempted by this rule, the department will review transactions on a case-by-case basis to determine whether tax applies. A nonmember who is not taxable on the basis of preemption should refer to WAC 458-20-101 (tax registration) to determine whether the person must register with the department.

(a) Gaming - Preemption of tax. Gaming by Indian tribes is regulated by the federal Indian Gaming Regulatory Act. Indian-owned gaming operations on Indian land are not subject to tax. Nonmembers who operate or manage gaming operations for Indian tribes are not subject to tax for business conducted on Indian land. This exclusion from tax applies to taxes imposed on income attributable to the business activity (e.g., the B&O tax), and to sales and use tax on the property used on the reservation to conduct the activity. Sales tax will apply if delivery of property is taken off reservation.

Nonmembers who purchase tangible personal property at a gaming facility are subject to retail sales or use tax, unless (i) the item is preempted based on value generated on the reservation, such as food at restaurants or lounges owned and operated by the tribe or a tribal member or sales of member arts and crafts at gift shops or (ii) the item is purchased for use in the gaming activity at the facility, such as bingo cards or daubers.

(b) Indian trader - Preemption of tax. For the purposes of this rule, "Indian trader" means a person performing a service on Indian land for the tribe or for tribal members or making sales of tangible personal property on Indian land to the tribe or to tribal members. An Indian trader is not subject to tax on the income attributable to the business activity. Examples of activities under the Indian trader status are cable service, internet service, repair services, accounting services, legal services, and any other transaction in which the nonenrolled person sells tangible personal property or performs a service.

A contractor who meets the requirements for "Indian trader" does not become subject to use tax on materials as this is not a "government contractor" situation. (See WAC 458-20-17001 for more information on government contractors.)

(i) Tangible personal property. A person is "making sales of tangible personal property on Indian land" if the tangible personal property is delivered to the buyer on Indian land and if:

(A) The property is located on Indian land at the time of sale; or

(B) If the seller has a branch office, outlet, or place of business on the Indian land and that location is used to receive the order or distribute the property; or

(C) If the order for sale of the property is solicited by the seller on Indian land.

(ii) Services. A person is "performing a service on Indian land" if the services are performed on the reservation. If the work is done both on and off of Indian land the seller must distinguish where the work is done. This is not an apportionment situation therefore it is not necessary to keep track of costs. However, simple recordkeeping of place of work and time spent doing the work must be maintained so

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that the department can determine the tax status of the work. If a contract for retail services, such as constructing, is for work both on and off of Indian land, only the portion of the contract that relates to work done on the Indian land is excluded from tax. Income attributable to work done for a tribe or Indian person off of Indian land, for example sewer line work that extends off of the Indian land, is subject to tax.

(c) Value generated on the reservation - Preemption of tax - Balancing test.

(i) For the purposes of this rule, "value generated on the reservation" means tangible personal property grown, harvested, extracted, produced, or manufactured on Indian land by businesses owned and operated by Indians or by the tribe; or services (retail and otherwise) provided on Indian land by businesses owned and operated by Indians or the tribe.

(ii) There is no retail sales tax on purchases taking place on Indian land of products or services that are "value generated on the reservation" if the tribal and federal interests outweigh the state interests. This is known as the balancing test. For example, lumber manufactured on Indian land at a sawmill owned and operated by the tribe is considered "value generated on the reservation" where tribal members are the main source of employment and where the state has no or limited regulatory jurisdiction in regard to the activity. Likewise, if the outcome of the balancing test is in favor of the tribal and federal interests, use tax is not due from a person who, on Indian land, acquires property that represents "value generated on the reservation," regardless of whether the item is subsequently taken off of Indian land.

(iii) The Indian seller of a product that is "value generated on the reservation" must provide the buyer with a receipt with a notation indicating the property is "value generated on the reservation." For example, the acronym "VGR" may simply be written on the invoice. In addition, the Indian seller must retain records adequate to allow confirmation of the status of the transaction. A tribe and the department may enter into an agreement covering recordkeeping by enrolled members, in which case the terms of the agreement govern.

(iv) The balancing test is applied on a case-by-case basis. For a ruling on a specific issue please contact the department at:

Department of Revenue
Executive
P.O. Box 47454
Olympia, WA 98504-7454

DECLARATION OF DELIVERY OR ACQUISITION ON THE RESERVATION

The undersigned is (circle one) an enrolled member of the tribe/authorized representative of the tribe or tribal enterprise, and the property was delivered/acquired upon the Indian lands of which the person is an enrolled member or of which the tribe is associated, for at least partial use on Indian land.

_____ name of buyer

_____ date of delivery/acquisition

_____ address of delivery/acquisition

(d) Federal contractors. The preemption analysis does not extend to persons who are doing work for the federal government on Indian land. For example, a nonmember doing road construction for the Bureau of Indian Affairs within an Indian reservation is subject to state tax jurisdiction.

(e) Indian housing authorities. RCW 35.82.210 provides that the property of housing authorities and the housing authorities themselves are exempt from taxes, such as state and local sales and use taxes, state and local excise taxes, state and local property taxes, and special assessments. This covers tribal housing authorities and intertribal housing authorities both on and off of Indian land.

Not all assessments are exempted under RCW 35.82.210. See *Housing Authority of Sunnyside v. Sunnyside Valley Irrigation District*, 112 Wn2d 262 (1989).

For the purposes of the exemption:

(i) "Intertribal housing authority" means a housing authority created by a consortium of tribal governments to operate and administer housing programs for persons of low income or senior citizens for and on behalf of such tribes.

(ii) "Tribal government" means the governing body of a federally recognized Indian tribe.

(iii) "Tribal housing authority" means the tribal government or an agency or branch of the tribal government that operates and administers housing programs for persons of low income or senior citizens.

(8) Motor vehicles or trailers sold to Indians or Indian tribes. Sales tax is not imposed when a motor vehicle or trailer is delivered to an Indian or the tribe on Indian land. Use tax is not imposed when a motor vehicle or trailer is acquired on Indian land by an Indian or the tribe for at least partial use on Indian land. For the purposes of this rule, acquisition on Indian land satisfies the "partial use" threshold.

(a) Registration of vehicle or trailer. Indians or tribes are subject to the use tax at the time they apply for a license or transfer of registration, unless they can document that they previously paid retail sales or use tax on their acquisition or use of the vehicle or trailer, or unless they can document that the vehicle or trailer was acquired on or delivered to Indian land.

(b) Declaration. The person claiming the exclusion from tax must sign a declaration of delivery to or acquisition on Indian land. A statement in substantially the following form will be sufficient to establish eligibility for the exclusion from sales and use tax.

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(9) Miscellaneous taxes. The state imposes a number of excise taxes in addition to the most common excise taxes administered by the department (e.g., B&O, public utility, retail sales, and use taxes). The rules of construction discussed above apply when determining whether these taxes are due from Indians, tribes, or nonmembers doing business on Indian land. The following is a brief discussion of some of these taxes.

(a) Cigarette tax. The statutory duties applicable to administration and enforcement of the cigarette tax are divided between the department and the liquor control board. Enforcement of nonvoluntary compliance is the responsibility of the liquor control board. Voluntary compliance is the responsibility of the department of revenue. See chapter 82.24 RCW for specific statutory requirements regarding purchase of cigarettes by Indians and Indian tribes.

Where sales of cigarettes are the subject of a government to government cooperative agreement, the provisions of that agreement supersede conflicting provisions of this subsection.

(i) Sales of cigarettes to nonmembers by Indians or Indian tribes are subject to the cigarette tax. The seller is obligated to make precollection of the tax. Therefore, Indian or tribal sellers making, or intending to make, sales to non-Indian customers must purchase a stock of cigarettes with Washington state cigarette tax stamps affixed for the purpose of making such sales. However, Indians and Indian tribes may make purchases of untaxed stamped cigarettes from licensed cigarette distributors for resale to qualified purchasers.

For purposes of this rule, "qualified purchaser" means an Indian purchasing for resale within the reservation to other Indians or an Indian purchasing solely for his or her use other than for resale.

(ii) Delivery or sale and delivery by any person of unstamped cigarettes to Indians or tribal sellers for sale to qualified purchasers may be made only in such quantity as is approved in advance by the department. Approval for delivery will be based upon evidence of a valid purchase order of a quantity reasonably related to the probable demand of qualified purchasers in the trade territory of the seller. Evidence submitted may also consist of verified record of previous sales to qualified purchasers, the probable demand as indicated by average cigarette consumption for the number of qualified purchasers within a reasonable distance of the seller's place of business, records indicating the percentage of such trade that has historically been realized by the seller, or such other statistical evidence submitted in support of the proposed transaction. In the absence of such evidence the department may restrict total deliveries of unstamped cigarettes to any reservation or to any Indian or tribal seller thereon to a quantity reasonably equal to the national average cigarette consumption per capita, as compiled for the most recently completed calendar or fiscal year, multiplied by the resident enrolled membership of the affected tribe.

(iii) Any delivery, or attempted delivery, of unstamped cigarettes to an Indian or tribal seller without advance approval by the department will result in the treatment of those cigarettes as contraband and subject to seizure. In addition,

the person making or attempting such delivery will be held liable for payment of the cigarette tax and penalties. See chapter 82.24 RCW.

Approval for sale or delivery to Indian or tribal sellers of unstamped cigarettes will be denied where the department finds that such Indian or tribal sellers are or have been making sales in violation of this rule.

(iv) Delivery of unstamped cigarettes by a licensed distributor to Indians or Indian tribes must be by bonded carrier or the distributor's own vehicle to the Indian reservation. Delivery of unstamped untaxed stamped cigarettes off of Indian land at the distributor's dock or place of business or any other off-reservation location is prohibited.

(b) Refuse collection tax. Indians and Indian tribes are not subject to the refuse collection tax for service provided on the reservation, regardless of whether the refuse collection company hauls the refuse off the reservation.

(c) Leasehold excise tax. Indians and Indian tribes on Indian land are not subject to the leasehold excise tax. Leasehold interests held by nonenrolled persons and in regard to Indian lands are subject to tax.

(d) Fish tax. Chapter 82.27 RCW imposes a tax on enhanced food fish, which includes shellfish. The measure of the fish tax is the value of the enhanced food fish at the point of landing. A credit is allowed against the amount of tax owed for amounts paid to legally established taxing authority, which includes Indian tribes, upon food fish purchased in the state or from an Indian tribe. Treaty fish are not subject to the fish tax, either on or off of the reservation.

(e) Tobacco tax. The tobacco tax is imposed under chapter 82.26 RCW. The tax is imposed on distributors as that term is defined in RCW 82.26.010. Tobacco tax is not imposed on Indian persons or tribes who meet the definition of distributor under chapter 82.26 RCW and who take delivery of the tobacco on Indian land.

(f) Real estate excise tax. The real estate excise tax is imposed on the seller. Sale of real estate located within the reservation by a tribe or a tribal member is not subject to real estate excise tax. Sale of land within the reservation by a nonmember to the tribe or to a tribal member is subject to tax.

(g) Timber excise tax. Payment of the timber excise tax is the obligation of the harvester. Generally, timber excise tax is due from a nonmember who harvests timber on fee land within the reservation. Timber excise tax is not due if:

(i) The timber is on Indian land and the harvester is an Indian or Indian tribe; or

(ii) The timber being harvested is on trust land, regardless of the identity of the harvester.

WSR 00-16-030

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed July 24, 2000, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-172.

Title of Rule: Architect program, WAC 308-12-321 Competence, 308-12-322 Conflict of interest, 308-12-323 Full disclosure, 308-12-324 Compliance with laws, and 308-12-325 Professional conduct.

Purpose: The above rules are being revised to clarify and simplify the language and requirements, with no major changes to the content or the intent of the rules.

Statutory Authority for Adoption: RCW 18.08.340.

Statute Being Implemented: RCW 18.08.440.

Summary: The rules listed above are being reviewed in accordance with the Governor's Executive Order 97-02. Minor housekeeping changes were made to clarify wording.

Reasons Supporting Proposal: The rules are being modified for clarity and ease of understanding.

Name of Agency Personnel Responsible for Drafting: Joan Y. Robinson, 405 Black Lake Boulevard, 664-1387; Implementation and Enforcement: Margaret Epting, 405 Black Lake Boulevard, 664-1386.

Name of Proponent: Board of Registration for Architects, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The content of the rules reviewed spells out what is expected of a state of Washington licensed architect to safeguard life, health and property and to promote the public welfare.

The anticipated effect would be to ensure the language is more clear and easy to understand by the architect profession and general public.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The meaning and content of the statute was not changed and would have no economic impact on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Department of licensing is not one of the agencies listed in this statute.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA 98507, on September 11, 2000, at 9 a.m.

Assistance for Persons with Disabilities: Contact Joan Robinson by September 11, 2000, TDD (360) 586-2788, or (360) 664-1387.

Submit Written Comments to: Margaret Epting, P.O. Box 9045, Olympia, WA 98507-9045, fax (360) 664-2551, by September 8, 2000.

Date of Intended Adoption: September 11, 2000.

July 21, 2000
Margaret Epting
Administrator

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-321 Competence. (1) ~~((It))~~ When practicing architecture, an architect ~~((shall))~~ must act with reasonable care and competence, and ~~((shall))~~ must apply the tech-

nical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(2) ~~((It))~~ When designing a project, an architect ~~((shall))~~ must take into account all applicable state and municipal building laws and regulations. ~~((While))~~ An architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations ~~((once having obtained such advice.))~~ An architect ~~((shall))~~ must not knowingly design a project in violation of such laws and regulations.

(3) An architect ~~((shall undertake to))~~ must perform professional services only when ~~((he or she))~~ the architect, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(4) No person ~~((shall))~~ will be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-322 Conflict of interest. (1) An architect ~~((shall))~~ must not accept compensation for ~~((his or her))~~ services from more than one party on a project unless the circumstances are fully disclosed ~~((to))~~ and agreed to ~~((such disclosure and agreement to be))~~ in writing ~~((3))~~ by all interested parties.

(2) ~~((If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services,))~~ The architect ~~((shall))~~ must fully disclose in writing to ~~((his or her))~~ the client or employer the nature of ~~((the))~~ any business association or direct or indirect financial interest ~~((and if the client))~~ which is substantial enough to influence the architect's judgment in connection with the performance of professional services. If the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

(3) An architect ~~((shall))~~ must not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect ~~((shall))~~ must render decisions impartially, favoring neither party to the contract.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-323 Full disclosure. (1) An architect ~~((making public statements on architectural questions, shall))~~ must disclose ~~((when he or she is being compensated))~~ any compensation received for making ~~((such))~~ public statements on architectural questions.

(2) An architect ~~((shall))~~ must accurately represent qualifications and scope of responsibility to ~~((a))~~ prospective or existing clients or employers ~~((his or her qualifications and~~

the scope of his or her responsibility in connection with) for work for which ((he or she) the architect is claiming credit.

(3) ((If,)) In the course of ((his or her)) work on a project, if an architect becomes aware of a decision ((taken) made by ((his or her)) the employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, materially and adversely affect ((adversely)) the safety to the public of the finished project, the architect ((shall) must:

(a) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(b) Refuse to consent to the decision, and

(c) ((In circumstances where)) Terminate services on the project when the architect reasonably believes that ((either such)) decisions will be ((taken notwithstanding his)) made against the architect's objection((, terminate his services with reference to the project)).

In the case of a termination in accordance with subsection (c), the architect shall have no liability to ((his or her)) the client or employer ((on account)) because of such termination.

(4) An architect ((shall) must not deliberately make a materially false statement or deliberately fail ((deliberately)) to disclose a material fact ((requested)) in connection with ((his or her)) the application for registration or renewal.

(5) An architect ((shall) must not assist ((the application) a person in applying for registration ((of a person known by the architect to be)) when the architect knows the applicant is unqualified in ((respect to)) education, training, experience, or character.

(6) An architect possessing knowledge of a violation of these rules by another architect ((shall) must report such knowledge to the board.

AMENDATORY SECTION (Amending WSR 97-03-121, filed 1/21/97, effective 2/21/97)

WAC 308-12-324 Compliance with laws. (1) An architect ((shall) must not, in the conduct of ((his or her)) architectural practice, knowingly violate any state or federal criminal law.

(2) An architect ((shall neither) must not offer ((nor)) or make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(3) An architect ((shall) must comply with the registration laws and regulations governing his or her professional practice.

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-325 Professional conduct. (1) ((Each)) An office maintained for the preparation of drawings, specifications, reports, or other professional work ((shall) must have an architect resident ((and)) regularly employed in that

office ((having)) with direct knowledge and supervisory control of such work.

(2) An architect ((shall neither) must not offer ((nor make) or provide any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

(3) An architect ((shall) must not engage in conduct involving fraud or wanton disregard of the rights of others.

WSR 00-16-041

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed July 26, 2000, 8:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-055.

Title of Rule: Title 308 WAC.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Repealing WAC 308-99-010, 308-99-021, 308-99-025, 308-99-030, 308-99-050; amending WAC 308-99-020, 308-99-040; and new section WAC 308-99-060.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Deborah McCurley, 1125 Washington Street S.E., Olympia, 902-3754.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on September 6, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by September 5, 2000, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957,

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Olympia, WA 98507-2957, fax (360) 664-0831, by September 5, 2000.

Date of Intended Adoption: October 3, 2000.

July 25, 2000

D. McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending Order TL/RG 37, filed 10/9/87)

WAC 308-99-020 Definitions. (1) ~~(For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:~~

~~(a) Becoming a registered voter in this state; or~~

~~(b) Receiving benefits under one of the Washington public assistance programs; or~~

~~(c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.~~

~~(2) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.~~

~~(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.)~~ **What is a resident?** For the purposes of this section, a resident is a natural person who lives or shows intent to live in this state on more than a temporary or transient basis. A person may be a resident of this state even though the person has or claims residency or domicile in another state or intends to leave this state at some future time. A natural person will be presumed a resident if at least two of the following conditions are met:

(a) Maintains a residence in this state for personal use;

(b) Is registered to vote in this state;

(c) Has a Washington state driver license;

(d) Uses a Washington state address for federal or state income tax purposes;

(e) Receives benefits under one of the state's public assistance programs;

(f) Previously maintained a residence in this state for personal use and has not established a permanent residence outside the state of Washington (e.g., person who retires and lives in a motor home or vessel which is not permanently attached to any property);

(g) Claims this state as residence for obtaining eligibility to hold a public office or for judicial actions;

(h) Claims this state as a residence for obtaining Washington state hunting or fishing licenses;

(i) Receives tuition fees at resident rates in this state, unless the nonresident tuition fee differential is waived as a result of a state to state reciprocity program authorized under chapter 28B.15 RCW (College and university fees); or

(j) Is a custodial parent with a child attending public schools in this state.

The department may consider factors other than those listed in this subsection to determine that a person intends to

be located in this state and thus be a resident of this state, but such factors do not alone raise a presumption of residency.

A corporation, trust or other entity created by a natural person who is a resident of Washington for the purpose of evading Washington vehicle registration shall be deemed a resident of Washington for vehicle registration purposes.

(2) What are "military personnel"? "Military personnel" means active duty members of the United States armed forces, commissioned officers of the public health service, personnel from National Oceanographic and Atmospheric Agency, and members of foreign military organizations assigned to this state on official duty. Coast guard personnel living in Washington and assigned to duty in the Portland area are also entitled to a nonresident military exemption.

(3) What is a "jurisdiction"? "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.

(4) What is "reciprocity"? "Reciprocity" means an agreement with another jurisdiction granting mutual benefits, privileges, or exemptions from payment of vehicle registration fees. Reciprocity will only be extended to vehicles that are properly registered in another jurisdiction.

(5) What is a "Washington public assistance program"? "Washington public assistance program" is defined in RCW 46.16.028.

AMENDATORY SECTION (Amending Order TL/RG 37, filed 10/9/87)

WAC 308-99-040 Restrictions and conditions. Is a vehicle properly licensed or registered in another jurisdiction ((may)) able to be operated in Washington without further registration requirements ((subject to the following conditions and restrictions))? Yes, as provided in RCW 46.85.060 and 46.85.080 the following conditions and restrictions apply:

(1) ((Nonresident persons:— Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed six months in any continuous twelve-month period.

(2)) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry, in the vehicle, documentation issued by the institution ((in the vehicle which)) that readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

((3)) (2) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his/her official home of record. A vehicle licensed at

PROPOSED

the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

~~((4))~~ (3) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

~~((5) Nonresident employed in Washington: Nonresident persons employed in this state may operate vehicles not to exceed 12,000 pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state for a period greater than six months in any continuous twelve-month period.~~

~~(6) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction and registered to a bona fide business in that jurisdiction is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.)~~

NEW SECTION

WAC 308-99-060 Reciprocity for leased and rented vehicles. If there is no agreement or arrangement to the contrary, are rental or leased vehicles eligible for vehicle license reciprocity in the state of Washington? No, except for the classes of vehicles and circumstances indicated below:

(1) Passenger cars and motorhomes currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

(a) The vehicle was rented by the vehicle operator from a location outside of the state of Washington;

(b) The vehicle was dropped off in Washington by the previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is registered under the provisions of Article XI, Section 1116 of the International Registration Plan.

(2) Trailers and semitrailers with a gross vehicle weight in excess of 6,000 pounds, trucks, truck tractors, tractors, and road tractors that are currently and properly registered in other jurisdictions will be granted vehicle license reciprocity in this state if:

(a) The vehicle is rented from a location within another jurisdiction; and

(b) The vehicle registration certificate (cab card) or a photo copy thereof and a copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-99-010	Applications.
WAC 308-99-021	"Washington public assistance programs" criteria.
WAC 308-99-025	Registration required.
WAC 308-99-030	Basic policy defined.
WAC 308-99-050	Commercial vehicle reciprocity.

WSR 00-16-043

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed July 26, 2000, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-05-030.

Title of Rule: Chapter 516-52 WAC, Health and safety, WAC 516-52-010 Control of dogs (on campus).

Purpose: Update current wording.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Updates and clarifies wording that the use of service animals (dogs) includes assisting persons with mental and physical disabilities.

Name of Agency Personnel Responsible for Drafting: G. McDonald, OM 335, Western Washington University, Bellingham, Washington 98225, (360) 650-3968; Implementation and Enforcement: G. Pierce, VPB&FA, OM 400, Western Washington University, Bellingham, Washington 98225, (360) 650-3180.

Name of Proponent: Western Washington University, governmental.

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

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

Proposal Changes the Following Existing Rules: Clarifies wording that the use of dogs includes assisting persons with mental and physical disabilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No monetary implications are attached to this policy. No costs imposed on small business through adoption of this rule amendment.

RCW 34.05.328 does not apply to this rule adoption. Rules relate to internal governmental operations.

Hearing Location: Old Main 340, Western Washington University, 516 High Street, Bellingham, WA 98225, on September 21, 2000, at 1 p.m.

Assistance for Persons with Disabilities: Contact Wendy Bohlke by September 19, 2000, TDD (360) 650-3725.

PROPOSED

Submit Written Comments to: Wendy Bohlke, fax (360) 676-2049.

Date of Intended Adoption: October 6, 2000.

July 18, 2000

Wendy Bohlke

Assistant Attorney General

AMENDATORY SECTION (Amending Order 12-5-85, filed 1/8/86)

WAC 516-52-010 Control of dogs. (1) Dogs are not permitted in university buildings except (~~for seeing-eye dogs and dogs trained~~) for assisting (~~the hearing-impaired under immediate control of their owners~~) persons with physical, mental and/or sensory disabilities.

(2) Dogs are not permitted on university property unless under immediate control of their (~~owner~~) handler.

WSR 00-16-058

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed July 26, 2000, 4:23 p.m.]

The Department of Ecology requests the withdrawal of the proposed expedited adoption filed on May 15, 2000, under WSR 00-11-065 for chapter 173-145 WAC, Administration of flood control assistance account program.

The department will follow up with another CR-102XA that will incorporate additional amendments to the original proposal.

If you have questions please contact 407-7551 or jthi461@ecy.wa.gov.

Jerry Thielen
Regulatory Affairs Manager

WSR 00-16-068

**PROPOSED RULES
DEPARTMENT OF LICENSING**

(Board of Registration for Professional Engineers and Land Surveyors)

[Filed July 27, 2000, 4:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-088.

Title of Rule: This will be new chapter 196-32 WAC, On-site wastewater treatment system designer license/inspector certificates of competency. The chapter contains five subsections that provide information to individuals to apply for, take, and appeal the denial of application for licensing and examination, as provided for in chapter 18.210 RCW.

Purpose: The purpose of this new chapter is to implement those parts of RCW 18.210.100, 18.210.110, 18.210.120, 18.210.130, and 18.210.190 requiring examination and application for licensure and certificates of competency of persons who practice the design of or the inspection

of on-site wastewater treatment systems in the state. It will also notify all applicants of the required qualifications and process to apply for the examination and license or certificate of competency.

Statutory Authority for Adoption: RCW 18.210.060 and 18.43.035.

Statute Being Implemented: Chapter 18.210 RCW.

Summary: 2SSB 5821 established the on-site wastewater treatment system designer licensing/inspector certification program in July 1999. That legislation was codified as chapter 18.210 RCW. This law requires that persons practicing on-site design services obtain a license to do so and establishes a timeline. The law also establishes a certificate of competency for employees of local health departments inspecting on-site designs. The law indicates that to receive a license or certificate that applicants pass a written examination administered by the board and meet certain minimum requirements to take the examination.

Reasons Supporting Proposal: Chapter 18.210 RCW requires the establishment of a license, certificate of competency and a licensing examination. These rules define the qualifications and outline the process to take the examination and obtain the license or certificate.

Name of Agency Personnel Responsible for Drafting: Joe Vincent Jr., 405 Black Lake Boulevard, Olympia, WA, (360) 664-1567; Implementation and Enforcement: George A. Twiss, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1565.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, On-Site Wastewater Treatment System Designer Licensing/Inspector Certification Advisory Committee, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See comments in summary above.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new WAC chapter and set of rules establishes the examination and application for licensure and certificates of competency of persons who practice the design of or the inspection of on-site wastewater treatment systems in the state, as required by chapter 18.210 RCW.

The purpose of these rules is to notify all persons who practice on-site wastewater treatment system design services and local health department employees who inspect designs, of the required qualifications and process to apply for the examination and license or certificate of competency.

The effect is to implement the requirements of chapter 18.210 RCW, establishing the licensing examination and the license and certification application process.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The legislature, through 2SSB 5821, mandated the examination and licensing of persons practicing on-site wastewater treatment system design services and the examination and certification of local health department employees who inspect designs. The bill does not require a business to pay for the examination, license, or certificate or the time needed to complete the examination;

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those costs are typically born, by the license or certificate applicant. In addition, research conducted by the Engineer Registration Board and the On-Site Advisory Committee found that all businesses doing on-site designer work fall into the states' definition of "small business." Consequently, these small businesses cannot be placed at a disadvantage by larger businesses doing the same work.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Neither the Department of Licensing, or the board of registration are one of the named agencies in this statute.

Hearing Location: La Quinta Inn, 1425 East 27th Street, Tacoma, WA 98421, on September 20, 2000, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Kim Chipman by September 17, 2000, TDD (360) 586-2788, or (360) 664-1564.

Submit Written Comments to: Joe Vincent Jr., Manager, On-Site Program, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2551, by September 6, 2000.

Date of Intended Adoption: September 21, 2000.

July 27, 2000

George A. Twiss
Executive Director

Chapter 196-32 WAC

On-Site Wastewater Treatment System Designer Licenses/Inspector Certificates of Competency

NEW SECTION

WAC 196-32-010 Applications. All applications must be completed on forms provided by the board and filed with the executive director at the board's address. The deadline for properly completed applications accompanied by the appropriate fee and/or charge as listed in Chapter 196-30 WAC, is three months prior to the date of the examination. Incomplete applications, and applications received after the deadline will be considered for a later examination. Once an application has been approved, no further application is required. Applications submitted without the proper fee shall be considered incomplete.

NEW SECTION

WAC 196-32-020 Qualifications for designer applicants—Experience and education records. To qualify for examination the law requires a high school diploma or equivalent and four years of experience in the design of on-site wastewater treatment systems of a character satisfactory to the board. The four years of experience must be completed two months prior to the date of the examination. The board shall evaluate all experience, including education, on a case-by-case basis and consider such experience and education as appropriate. The board will use the following criteria in evaluating an applicant's experience record:

Acceptable education experience will be based on transcripts.

(1) Education experience, up to a maximum of two years, may be approved based on the following:

(a) Graduation from a baccalaureate or associate degree program which contains course work in the sciences and technologies of on-site wastewater treatment systems, as provided in RCW 18.210.100.

(b) Completed college level course work without a degree will be evaluated on a case by case basis.

(c) Documented seminars, industry training programs, and other educational or training programs specifically related to the science and technologies of on-site wastewater treatment systems will be evaluated on a case by case basis.

(2) Acceptable work experience shall be four years of broad based, progressive field and office experience in the design of on-site wastewater treatment systems. The applicability of the experience shall be considered by the board based upon the verification provided by the applicant, the level of independent judgments and decisions, and the demonstration of the ability to work within the regulatory structure. This experience must include, but shall not be limited to the following:

(a) Applying state and local health regulations;

(b) Exercising sound judgment when making independent decisions regarding the sciences and technologies of on-site wastewater treatment systems;

(c) Field identification and evaluation of site conditions;

(d) Conducting research and;

(e) Interacting with clients and the public in conformance with chapter 18.210 RCW.

The board may grant partial credit for experience that does not fully meet the requirements in (a) through (e) of this subsection.

(3) Teaching of a character satisfactory to the board may be recognized as experience up to a maximum of one year.

(4) Any work experience gained in a situation which violates the provisions of chapter 18.210 RCW will not be credited towards the experience requirement.

NEW SECTION

WAC 196-32-030 Qualifications for inspector certificate of competency (1) To qualify for examination the law requires a written request from the local health director or designee. Requests shall be submitted on a form prescribed by the board.

NEW SECTION

WAC 296-32-040 Examinations. (1) To become licensed as an on-site wastewater treatment system designer or to become an inspector certificate of competency holder the candidate must pass the on-site designer licensing examination as established by the board. The examinations are given at times and places designated by the board. The schedule of future examinations and an examination syllabus may be obtained from the board office. An applicant who has taken an examination and failed or who qualified for an examination but did not take it shall request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable

fee and/or charge as listed in Chapter 196-30 WAC is required to reschedule for an examination.

NEW SECTION

WAC 196-32-050 Comity—Licensing of applicants without examination (1) Applicants for licensure as an on-site wastewater treatment system designer by comity must meet the following criteria:

(a) The applicant's qualifications meet the requirements of chapter 18.210.180 RCW and this chapter;

(b) The applicant is in good standing with the licensing agency in a state, territory, possession, or foreign country. Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration.

(2) This provision does not apply to those individuals who have obtained a license, certificate or other authorization from a local health jurisdiction.

DSHS is exempt from preparing the analysis required by this section under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo O'Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on September 5, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 29, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopekd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by September 5, 2000.

Date of Intended Adoption: No sooner than September 6, 2000.

July 27, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-280 WAC

UNITED STATES ((~~U.S.~~) REPATRIATE) REPATRIATION PROGRAM

NEW SECTION

WAC 388-280-0010 What is the United States Repatriation Program? The United States Repatriation Program assists a U.S. citizen or dependent who is:

- (1) Without financial resources; and
- (2) Returned or brought back to the U.S. from a foreign country because of:
 - (a) Mental illness; or
 - (b) Destitution, physical illness, or a crisis such as war.

For the purposes of this chapter, "we" and "us" means the department of social and health services.

NEW SECTION

WAC 388-280-0020 How do I apply for repatriation assistance? You apply for repatriation assistance by contacting the U.S. State Department or us.

- (1) If you contact the U.S. State Department, we consider a referral from them as an approved application.
- (2) If you contact us directly, we apply for you to the U.S. Department of Health and Human Services (HHS).

NEW SECTION

WAC 388-280-0030 Do I have to repay the repatriation assistance? Repatriation assistance is a loan. You, or your representative if you are mentally ill, must:

- (1) Sign a statement recognizing repatriation assistance as a loan; and
- (2) Agree to repay the funds.

WSR 00-16-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 31, 2000, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-037.

Title of Rule: Chapter 388-280 WAC, United States repatriation program.

Purpose: To rewrite the rules relating to the administration of this program in Washington state to meet the standards of Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: Chapter 74.08 RCW.

Summary: We are clearly describing how the repatriation program is administered in the state of Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carla Gira, Program Manager, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3264.

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

Rule is necessary because of federal law, 45 C.F.R. 11 Part 211 and 212.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules will provide information and guidelines regarding the administration of the United States repatriation program in the state of Washington.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small business.

RCW 34.05.328 applies to this rule adoption. The rule meets the definition of a "significant legislative rule" but

PROPOSED

NEW SECTION

WAC 388-280-0040 Are there limits to my income and resources? (1) You are ineligible to receive repatriate assistance if you have nonexempt:

- (a) Income, as defined by temporary assistance for needy families (TANF) equal to or greater than the TANF need standards as described in WAC 388-450-0005; or
 - (b) Resources, as defined by TANF under WAC 388-470-0005 that are available to meet your resettlement needs.
- (2) We consider a resource available to you when:
- (a) The value can be determined;
 - (b) It is controlled by you; and
 - (c) You can use the resource to meet your needs.

NEW SECTION

WAC 388-280-0050 How long can I receive repatriation assistance? (1) If you are mentally ill, you receive temporary care until you:

- (a) Can be released to the care of a relative or state agency; or
 - (b) Are discharged or granted release from hospitalization.
- (2) If you are not mentally ill, you may receive repatriation assistance up to twelve months as follows:
- (a) "Temporary assistance" meaning repatriation assistance provided during the first ninety days after you return to the United States.
 - (b) "Extended assistance" meaning repatriation assistance provided for up to nine months after the end of your temporary assistance. We must have approval in advance from HHS, so you must ask us to apply for extended assistance while receiving temporary assistance and be:
 - (i) Ineligible for any other assistance program; and
 - (ii) Unable to support or care for yourself due to age, illness, or lack of job skills.

NEW SECTION

WAC 388-280-0060 What services are available to me under the Repatriation Program? (1) The HHS sets limits on how much we pay for repatriation assistance. The limits are:

- (a) The temporary assistance for needy families (TANF) payment standards under WAC 388-478-0015 for goods and services to meet basic needs;
 - (b) Up to five hundred sixty dollars per person to meet resettlement costs, if necessary, and for only one month while you receive temporary assistance.
- (2) Within payment limits, repatriation assistance includes:
- (a) Travel to your place of residence, limited to:
 - (i) One domestic trip at the lowest fare and using the most direct means;
 - (ii) Meals and lodging while you are traveling;
 - (iii) Money for incidentals; and
 - (iv) If you are ill or disabled, travel expenses for an escort.

- (b) Goods and services necessary for your health and welfare, including:
 - (i) Transportation for medical treatment, hospitalization or social services;
 - (ii) Temporary shelter;
 - (iii) Meals;
 - (iv) Clothing;
 - (v) Hospitalization to treat mental or acute illness or other medical care; and
 - (vi) Guidance, counseling and other social services.
- (c) Resettlement costs, including:
 - (i) Utility or housing deposits; and
 - (ii) Basic household goods, such as cookware or blankets.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-280-1010	Purpose.
WAC 388-280-1020	Definition.
WAC 388-280-1030	Application.
WAC 388-280-1040	Repaying repatriation assistance.
WAC 388-280-1050	Safeguarding information.
WAC 388-280-1060	Referral to other agencies.
WAC 388-280-1070	Income and resources.
WAC 388-280-1080	Eligibility.
WAC 388-280-1090	Client responsibilities.
WAC 388-280-1100	Department responsibilities as the port of entry state.
WAC 388-280-1110	Department responsibilities as the final destination state.
WAC 388-280-1120	Unattended minors.
WAC 388-280-1130	Scope of services.
WAC 388-280-1140	Time limits on benefits.
WAC 388-280-1150	Payment limits.
WAC 388-280-1160	Assistance payment—Types of payments.

WSR 00-16-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (WorkFirst Division)
 [Filed July 31, 2000, 11:23 a.m.]

Original Notice.

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

Title of Rule: WAC 388-466-0030 Refugee resettlement services; and repealing WAC 388-15-360, 388-55-024, 388-55-027, and 388-55-050.

Purpose: To comply with federal law in order to continue to meet federal refugee funding requirements.

Statutory Authority for Adoption: RCW 74.20A.310.

Statute Being Implemented: RCW 74.20A.310.

Summary: ORIA believes that the new rule will be more efficient and easier to understand and will result in better customer service.

Reasons Supporting Proposal: Efficiency, customer service.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Olga Walker, ORIA Program Manager, P.O. Box 45420, Olympia, WA 98504-5420, (360) 413-3285.

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

Rule is necessary because of federal law, C.F.R. Title 45 §400.81, §400.77, §400.82, §400.145.

Explanation of Rule, its Purpose, and Anticipated Effects: ORIA believes that the new rule will be more efficient and easier to understand and will result in better customer service.

Proposal Changes the Following Existing Rules: Repealing WAC 388-15-360, 388-55-024, 388-55-027, and 388-55-050; and adding a new section to chapter 388-466 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. This is not a significant legislative rule under RCW 34.05.328.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on September 5, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 29, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopkd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by September 5, 2000.

Date of Intended Adoption: No sooner than September 6, 2000.

July 27, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-466-0030 Refugee resettlement services.

(1) What are Refugee resettlement services?

Refugee resettlement services provided to eligible refugees may include information and referral, employment oriented case management, job development, job placement, job retention, skills training, on-the-job training, counseling and orientation, English as a second language, and vocational English training.

(2) Who is required to participate in refugee resettlement services?

Refugees receiving refugee cash assistance (RCA) are required to participate and are priority clients for refugee employment and training services.

(3) If I am a mandatory participant, what activities am I required to participate in?

You are required to:

- (a) Register with your employment service provider;
- (b) Accept and participate in an employment opportunities, training or referrals determined appropriate by the department.

(4) What happens if I do not follow these requirements?

If you refuse without good reason to cooperate with the requirements, you are subject to the following penalties:

- (a) If you are applying for refugee cash and medical assistance, you will be ineligible for thirty days from the date of your refusal to accept work or training opportunity; or

- (b) If you are already receiving refugee cash and medical assistance, your cash benefits will be terminated on the first day of the month following the date of the original refusal.

- (c) The department will notify your voluntary agency (VOLAG) if financial penalties take place.

(5) What are the penalties to my grant?

- (a) If the assistance unit includes other individuals, as well as yourself, the cash grant is reduced by the sanctioned refugee's amount for three months after the first occurrence. For the second occurrence the financial penalty continues for the remainder of the sanctioned refugee's eight-month eligibility period.

- (b) If you are the only person in the assistance unit your cash grant is terminated for three months after the first occurrence. For the second occurrence, your grant is terminated for the remainder of your eight-month eligibility period.

(6) How can I avoid the penalties?

You can avoid the penalties, if you accept employment or training before the effective date of cash termination. You will continue to receive assistance without interruption, providing that you continue to meet eligibility requirements.

(7) What is considered a good reason for not being able to follow the requirements?

You have a good reason if it was not possible for you to stay on the job or to follow through on a required activity due to an event outside of your control. See WAC 388-310-1600(3) for examples.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-15-360

Refugee assistance.

WAC 388-55-024 Noncompliance with work and training requirements.
 WAC 388-55-027 Good cause determination.
 WAC 388-55-050 Refugee social service eligibility.

104-B, Lacey, WA 98503, on September 5, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 29, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopekd@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by September 5, 2000.

Date of Intended Adoption: September 6, 2000.

July 28, 2000

Marie Myerchin-Redifer, Manager
 Rules and Policies Assistance Unit

PROPOSED

WSR 00-16-088
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed July 31, 2000, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-101.

Title of Rule: Your fair hearing rights regarding protective payment, WAC 388-265-1650; and repealing protective payee fees, WAC 388-265-1750.

Purpose: Repealing WAC 388-265-1750, this WAC is duplicated in several other sections in chapter 388-265 WAC.

Amending WAC 388-265-1650, this WAC is retitled and rewritten in simpler language to comply with Executive Order 97-02.

Statutory Authority for Adoption: RCW 74.08.090 and 74.08.280.

Statute Being Implemented: RCW 74.08.090 and 74.08.280.

Summary: Repeal WAC 388-265-1750, this WAC is duplicated in other parts of chapter 388-265 WAC and is no longer needed. WAC 388-265-1650, this WAC has been reworded to comply with Executive Order 97-02 for simplification of language.

Reasons Supporting Proposal: Revised version is easier to understand.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kay Hanvey, WorkFirst Division, (360) 413-3100.

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 rule explains what rights a client has for fair hearings about their benefits being distributed through a protective payee. The new wording is easier to understand and more accurate.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. Neither rule impacts small business.

RCW 34.05.328 does not apply to this rule adoption. Neither rule change meets the definition for a significant legislative rule.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

~~WAC 388-265-1650 ((Protective payment—))Your fair hearing rights regarding protective payment. ((With the exception of noneooperation with the office of support enforcement, a client has the right to a fair hearing if the client is:~~

~~(1) Dissatisfied with the department's decision that a protective payment shall be made, continued, or changed; or~~

~~(2) Dissatisfied with the protective payee selected.) You have the right for a fair hearing if you disagree with:~~

~~(1) the department's decision to:~~

~~(a) assign payment of benefits through a protective payee.~~

~~(b) continue assignment, or~~

~~(c) change the protective payee to another provider.~~

~~(2) the contents of your protective payee plan; or~~

~~(3) the protective payee selected for you.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-265-1750 Protective payee fees.

WSR 00-16-094
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed July 31, 2000, 4:06 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-104.

Title of Rule: Vessel registration and certificate of title—Confidential vessel registration, WAC 308-93-241, 308-93-242, 308-93-243, 308-93-244, and 308-93-245.

Purpose: 1. Clarify the process of registering confidential vessels.

2. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100, 88.02.120.

Summary: Amending WAC 308-93-241 Confidential vessel registration—Application procedure, 308-93-242 Confidential vessel program—Agency contact, 308-93-243 Confidential vessel registrations—Inventory and 308-93-244 Confidential vessel registrations—Refusal and removal; and repealing WAC 308-93-245 Confidential vessel registrations—Records disclosure.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Deborah McCurley, 1125 Washington Street S.E., Olympia, (360) 902-3754.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections as needed. Repeal sections as needed. Meet criteria of Executive Order 97-02.

No small-business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The content of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street, Olympia, WA 98507, on September 21, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pat Zlateff by September 20, 2000, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by September 20, 2000.

Date of Intended Adoption: October 24, 2000.

July 31, 2000

Deborah McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 98-16-001, filed 7/22/98, effective 8/22/98)

WAC 308-93-241 Confidential and undercover vessel registration—Application procedures. (1) ~~((A government agency requesting confidential vessel registration shall:~~

~~(a) Write to the department on their letterhead requesting one or more vessels be included in the confidential vessel program;~~

~~(b) Complete an application form approved by the department;~~

~~(e) Provide a copy of the current certificate of ownership or registration certificate showing the vessel is registered to the government agency.~~

~~(2) The letter of request and application shall be signed by the government agency head or designated contact person.) **What are confidential and undercover vessel registrations as referred to in RCW 88.02.035?** Confidential and undercover registrations are nonexempt registrations assigned to vessels owned by government agencies identified in RCW 88.02.035.~~

~~(2) **What are my registration options under RCW 88.02.035?** You may choose to register government owned or operated vessels in the confidential/undercover registration program in one of the following ways:~~

~~(a) Selecting the confidential vessel registration option shows the government agencies names and addresses on the registration certificates and other department records subject to public disclosure; or~~

~~(b) Selecting the undercover vessel registration option shows fictitious names and addresses on the registration certificates and other department records subject to public disclosure.~~

~~(3) **Is a government agency responsible for ensuring safeguards to select a fictitious name and address for undercover vessel registrations?** Government agencies must certify on the application that precautions (i.e., checking phone book, Internet, etc.) have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses have not been used.~~

~~(4) **How does a government agency apply for confidential or undercover vessel registration?** A government agency requesting confidential/undercover vessel registration must provide:~~

~~(a) A completed application form approved by the department and signed by the government agency head or designated contact person. The agency must indicate on the application form which type of registration is needed;~~

~~(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the government agency.~~

AMENDATORY SECTION (Amending WSR 98-16-001, filed 7/22/98, effective 8/22/98)

WAC 308-93-242 Confidential/undercover vessel program—Agency contact. (1) ~~((A government agency head or designee may apply for confidential vessel registrations or sign correspondence pertaining to confidential vessel registrations:~~

~~(2) The government agency head may designate a maximum of two agency employees to represent the agency regarding confidential vessel registrations. The government agency head shall provide the name, title, address, and telephone number of each designee.~~

~~(3) A government agency head or designee shall notify the department in writing within five days of any change in the agency head or designee.) **Who may represent a government agency regarding confidential or undercover**~~

PROPOSED

registration? The government agency head must designate two employees to represent the agency regarding confidential/undercover registration. The name, signature, title, address, telephone number, and if applicable, fax number and e-mail address of each designee must be provided.

(2) How often does the government agency contact information need to be updated? The government agency contact information must be updated, in writing, annually or within thirty days of any change in the agency head or designee. The government agency is responsible for initiating the update when a change occurs.

AMENDATORY SECTION (Amending WSR 98-16-001, filed 7/22/98, effective 8/22/98)

WAC 308-93-243 Confidential or undercover vessel registrations—((Inventory)) Annual list. (1) ((The department shall provide an inventory listing of vessels to each agency participating in the confidential vessel registration program. Each government agency shall verify the accuracy of the information by:

- (a) Correcting any erroneous information;
- (b) Delete vessels no longer in the program;
- (c) Adding vessels in the program, but not shown on the inventory listing;
- (d) Signing the inventory listing certifying that all confidential vessel registrations shown on the listing are being utilized under RCW 88.02.035(3); and
- (e) Returning the inventory listing to the department.

(2) The department shall not renew a vessel shown on the inventory listing until the government agency has complied with the requirements of subsection (1) of this section.))

How does the department maintain the annual list of vessels with confidential or undercover registrations?

(a) The department provides the annual list of vessels to each government agency participating in the confidential/undercover registration program to verify the accuracy of the information by:

- (i) Correcting any incorrect information;
- (ii) Deleting vessels no longer in the program by clearly indicating which vessels need to be deleted;
- (iii) Adding vessels to the list by submitting the original application (or a copy if already submitted);
- (iv) Signing and returning the list by the date requested to verify compliance with RCW 88.02.035(3).

(b) The department updates the annual list of vessels based on information submitted by the government agencies.

(2) What action does the department take if annual lists are not returned? The department may refuse to renew a vessel shown on the annual list until the government agency has complied with the requirements of subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 98-16-001, filed 7/22/98, effective 8/22/98)

WAC 308-93-244 Confidential or undercover vessel registrations—((Refusal and removal)) Cancellation. (1) ((The department may cancel or refuse to issue or renew a

confidential vessel registration when the department or chief of the Washington state patrol has reasonable cause to believe the registration is not being used for purposes authorized in RCW 88.02.035.

(2) When a government agency no longer requires a confidential vessel registration or the registration is cancelled:

(a) The government agency shall remove and destroy the validation decal and return the confidential vessel registration to the department; and

(b) The department shall delete the confidential vessel registration record from the confidential vessel program.))

Who may cancel confidential or undercover vessel registrations?

The department may cancel or refuse to renew confidential or undercover registrations when the department has reasonable cause to believe the registrations are being used for purposes other than those authorized in RCW 88.02.035. A government agency may request cancellation of their confidential or undercover registrations when the vessel is no longer used for this purpose.

(2) How are confidential or undercover registrations canceled? Confidential or undercover registrations are canceled when the government agency notifies the department in writing via mail, fax, or e-mail that they are no longer required, and indicate whether the registrations:

- (a) Are being returned to the department; or
- (b) Have been destroyed.

The department will then delete the confidential or undercover registration record from the program.

(3) Can the vessel decal issued by the department to the confidential or undercover vessel remain on the vessel when it is removed from the program? No. The decal must be removed from the vessel and returned to the department or destroyed by the agency.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-245 Confidential vessel registrations—Records disclosure.

WSR 00-16-097

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

(By the Code Reviser's Office)

[Filed August 1, 2000, 9:34 a.m.]

WAC 365-197-010, 365-197-020, 365-197-030, 365-197-040, 365-197-050, 365-197-060, 365-197-070 and 365-197-080, proposed by the Department of Community, Trade and Economic Development in WSR 00-03-067 appearing in issue 00-03 of the State Register, which was distributed on February 2, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted

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within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 00-16-098
PROPOSED RULES
LAKE WASHINGTON
TECHNICAL COLLEGE
[Filed August 1, 2000, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-11-033.

Title of Rule: Student conduct and misconduct definition and Family Educational Rights and Privacy Act (FERPA).

Purpose: To provide the college with adequately comprehensive definitions of student conduct and misconduct. Make changes to Family Educational Rights and Privacy Act (FERPA) information to reflect the 1998 Higher Education Reauthorization Act rule changes released in July 2000.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 28B.50.140.

Reasons Supporting Proposal: Limitations of present college's policies and procedures definitions of student conduct and misconduct, along with changes in Family Educational Rights and Privacy Act.

Name of Agency Personnel Responsible for Drafting and Implementation: Dennis Long, 11605 132nd Avenue N.E., Kirkland, (425) 739-8313; and Enforcement: Mike Metke, 11605 132nd Avenue N.E., Kirkland, (425) 739-8200.

Name of Proponent: Lake Washington Technical College, public.

Rule is necessary because of federal law, [34 C.F.R. Part 99, Family Education Rights and Privacy Act.]

Explanation of Rule, its Purpose, and Anticipated Effects: Family Educational Rights and Privacy Act by providing students with access to their educational records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of student's privacy or other right, improving student privacy and security through redefining releasable directory data.

Expanding and clarifying student misconduct items and establishing an appeal process that includes a judicial board of college staff and student peers.

Proposal Changes the Following Existing Rules: Substitute changes to Family Educational Rights and Privacy Act to reflect 1998 Higher Educational Reform Act and student conduct code to more comprehensively address student conduct and due process procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including

costs of equipment, supplies, labor, and increased administrative costs.

Hearing Location: Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034, on September 5, 2000, at 7:30 p.m.

Assistance for Persons with Disabilities: Contact Karla Preuett by August 22, 2000, TDD (425) 729-8109, or (425) 739-8100.

Submit Written Comments to: Fax (425) 739-8299, by August 22, 2000.

Date of Intended Adoption: September 5, 2000.

July 28, 2000

L. Michael Metke, Ed.D
President

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-131-010 Scholarships. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Lake Washington Technical College is located in the ~~((office of))~~ financial aid office on the Lake Washington Technical College campus.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-132-010 Financial aid. ~~((Federal, state, and private financial aid applications and information may be obtained at the following address:~~

Office of Financial Aid
Lake Washington Technical College
11605 132nd Avenue Northeast
Kirkland, Washington 98034-5608

~~Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.))~~ The college shall offer a comprehensive financial aid program for students using college, state, and federal financial aid resources as well as from appropriate foundation resources. The financial aid office will provide financial aid information in college publications, assist students in obtaining information, determine student eligibility for financial aid, and manage the college's financial aid programs.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-010 Family Educational Rights and Privacy Act—General policy. Lake Washington Technical College implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. §1232g) and its implementing regulation (34 C.F.R. §99). Briefly, Lake Washington Technical College is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain

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written consent before releasing certain information and to notify students of these rights.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-015 Family Educational Rights and Privacy Act—Definitions. For the purposes of this policy, the following definitions ~~((of terms))~~ apply:

(1) "Student" means any individual who is or has been in attendance at Lake Washington Technical College and for whom the college maintains education records. A person no longer in attendance at the college is no longer a current student, but his or her educational records remain covered by the Family Educational Rights and Privacy Act.

(2) "Education records" are ~~((defined as))~~ those records, files, and documents (in handwriting, print, tapes, film, microfiche, or other medium) maintained by ~~((Lake Washington Technical College which))~~ the college that contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a certificate or degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students' participating in student government that is maintained by the student government office.

(f) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

~~(3) ("Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities and organizations, dates of attendance, degrees, certificates, and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 495D-280-070.~~

(4)) "Personally identifiable" means the following information about students or family members:

(a) Student information:

(i) Name;

(ii) Address;

(iii) Telephone numbers;

(iv) E-mail address;

(v) Date and place of birth;

(vi) Level of education;

(vii) Academic major;

(viii) Degrees, certificates, and awards received;

(ix) Eligibility for and participation in officially recognized college activities and organizations;

(x) Dates of attendance;

(xi) Educational institution in which the student most recently was enrolled;

(xii) Full-time or part-time status;

(xiii) Grades;

(xiv) Test scores;

(xv) Medical records;

(xvi) Specific dates and places of classes in which enrolled;

(xvii) Personal identifiers such as Social Security number or college student identification numbers;

(xviii) Other personally identifying characteristics which would make the student's identity easily traceable;

(xix) Photograph.

(b) Family information:

(i) Names of parents or other family members;

(ii) Parents or other family members' addresses.

(4) "Directory information" includes the following student information:

(a) Name;

(b) Academic major;

(c) Degrees, certificates, and awards received;

(d) Eligibility for and participation in official activities and organizations;

(e) Dates of attendance;

(f) Full-time or part-time status.

(5) "Solomon amendment" information is student information provided to military recruiters for recruitment purposes in accordance with federal statute, and includes the following:

(a) Name;

(b) Address;

(c) Telephone numbers;

(d) Date and place of birth;

(e) Level of education;

(f) Academic major;

(g) Degrees, certificates, and awards received;

(h) Educational institution in which the student most recently was enrolled.

(6) "Written consent" means a written authorization for disclosure of student education records which is((:

(a) Signed;

(b) Dated;

(c) Which specifies the records to be disclosed; and

(d) Which)) signed by the student (or parent if the student is under the age of eighteen and is attending Otterson High School), dated, specifying the records to be disclosed, and specifies to whom disclosure is authorized.

~~((5) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.))~~

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-020 Family Educational Rights and Privacy Act—Annual notification of rights. Lake Wash-

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ington Technical College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and quarterly schedule of courses. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-030 Family Educational Rights and Privacy Act—Procedure to inspect education records. (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495D-280-110.

(2) Students must submit to the appropriate college official a written request (~~(which)~~) that identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five days or less from the receipt of the request.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-040 Family Educational Rights and Privacy Act—Disclosure of education records. (1) (~~Disclosure of education records. In addition to "directory information"~~) The college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated student(~~s~~) government of Lake Washington Technical College or employed by the college(~~: Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities~~), including contractors such as the National Student Loan Clearinghouse;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) The disclosure is to parents, as defined in Section 99.3, of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.

(h) To parents of an eligible student who claim the student as a dependent for income tax purposes; (~~and~~

~~(h))~~) (i) To comply with a judicial order or a lawfully issued subpoena;

(j) To military recruiters authorized to obtain specific information under the Solomon Amendment;

(k) To a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense.

(2) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than (~~the above~~) those listed in subsection (1) of this section.

(3) (~~Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosure to other parties listed in (a) through (h) of this subsection.~~) "Directory information" may be disclosed at the discretion of the college and without the consent of the student, unless he or she elects to prevent disclosure. Students who wish to prevent disclosure will file a written request with the registrar. The request continues in effect according to its terms unless revoked in writing by the student.

(4) "Solomon Amendment" information, as defined in 7.P.23, may be released to military recruiters authorized to obtain specific information for recruitment purposes. Release of this information applies to students seventeen years and older and does not apply to students with previous military experience or to students who have filed a request to prevent disclosure of "directory information."

(5) "Personally identifiable" information, other than that defined as "releasable," "directory information," or "Solomon Amendment" information shall not be released, except as specifically requested by the student (or parents in the case of Otteson High School students under the age of eighteen).

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-050 Family Educational Rights and Privacy Act—Limits on rights to review and inspect and obtain copies of education records. (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Lake Washington Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Lake Washington Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records, and not otherwise available for inspection under the Washington Public Records Act, chapter 42.17 RCW.

(3) Lake Washington Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

- (a) The student has an unpaid financial obligation to the college;
- (b) There is an unresolved disciplinary action against the student.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-060 Family Educational Rights and Privacy Act—Record of request and disclosures. (1) The college shall maintain a record of requests for and disclosures of personally-identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495D-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

- (a) The names of parties who have received personally identifiable information;
- (b) The interest the parties had in requesting or obtaining the information; and
- (c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

- (a) The student;
 - (b) The college officials who are responsible for the custody of the records; and
 - (c) Persons authorized to audit the recordkeeping procedures of the college.
- (5) The college is not required to maintain a record if the request was from, or the disclosure was to:

- (a) The student;
- (b) A school official;
- (c) A party with written consent from the student; ~~((or))~~
- (d) A party seeking directory information; or
- (e) A school official, or an entity which qualifies as an employee of the college (e.g., National Student Loan Clearinghouse).

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-080 Family Educational Rights and Privacy Act—Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in

WAC 495D-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the ~~((administrator))~~ vice-president of student services or designee within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The ~~((administrator))~~ vice-president of student services or designee shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time, and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the ~~((administrator))~~ vice-president of student services or ~~((other appropriate administrator))~~ designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. ~~((The student may be assisted by))~~ One or more individuals may assist the student, including an attorney.

(4) The ~~((administrator))~~ vice-president of student services or ~~((other appropriate administrator))~~ designee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student, based on the student's evidence presented at the hearing.

(5) If the ~~((administrator))~~ vice-president of student services or ~~((other appropriate administrator))~~ designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the ~~((administrator))~~ vice-president of student services or ~~((other appropriate administrator))~~ designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, ~~((the committee will notify))~~ the student will be notified in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-090 Family Educational Rights and Privacy Act—Fees for copies. Copies of student records shall be made at the expense of the requesting party at ~~((actual cost for copying as posted at the registration office))~~ the appropriate cost as determined by college procedure.

PROPOSED

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-100 Family Educational Rights and Privacy Act—Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the ~~((office of the registrar))~~ admissions and registration office. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-110 Family Educational Rights and Privacy Act—Type and location of education records.

Types	Location	Custodian
Admission, Testing Records	Admissions Office	((Administrator of Student Services)) Registrar
Cumulative Academic and Registration Records	Registration Office	((Assistant)) Registrar
Payment of Tuition Records	Accounting Office	Director of Accounting Services
Student Government	((SAC)) Associated Student Government Office	Secretary
Participation Records		
Financial Aid, Student	Financial Aid Office	((Supervisor)) Director of Financial Aid
Employment Records		

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-280-120 Family Educational Rights and Privacy Act—Remedy for students protected by this act. A student may file a written complaint with the United States Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and ~~((Regulations))~~ Compliance Office
 U.S. Department of Education
 400 Maryland Avenue S.W.
 Washington, D.C. 20202

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495D-280-070 Disclosure of directory information.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-010 Student conduct code—Definitions. The definitions set forth in this section apply throughout this chapter.

- (1) "Board" means the board of trustees of College District 26.
- (2) "College" means Lake Washington Technical College.
- (3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.
- (4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.
- (5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.
- (6) "President" means the chief executive officer of the college appointed by the board of trustees.
- (7) "Disciplinary official" means the instructor or administrator who takes disciplinary action as authorized in this chapter.
- (8) "Student" means a person who is enrolled at the college.
- (9) "Disciplinary action" means one or more of the ~~((actions))~~ sanctions described in WAC 495D-120-120.
- (10) "Good standing" means that the student is currently enrolled in the college, has no restrictions on the use of college facilities and/or services, is eligible to participate in college activities, and is not under any current disciplinary or academic sanctions.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-020 Student conduct code—Statement of purpose. (1) Lake Washington Technical College is ~~((maintained))~~ operated by the state of Washington ~~((for the provision of))~~ to provide programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) ~~((Sanctions for))~~ Violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of ~~((minors))~~ students under the age of eighteen who attend Otteson High School or are

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dependent students, misconduct may be referred to parents or legal guardians (if the student attends Otteson High School).

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-030 Student conduct code—Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

(1) Off-campus conduct. When a student violates the student conduct code by an offense committed off campus that is not associated with a college-connected activity, the disciplinary authority of the college will not be used merely to duplicate the penalty involved for such an act under applicable ordinances and laws.

(2) The college will take disciplinary action against a student for such an off-campus offense only when the nature of the offense is such that, in the judgment of the vice-president of student services, the student's conduct is likely to interfere with the educational process, the orderly operation of the college, or the student presents an imminent danger to college property or to himself or herself or other persons on or off campus.

AMENDATORY SECTION (Amending WSR 00-03-031, filed 1/12/00, effective 2/12/00)

WAC 495D-120-040 Student conduct code—Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) ~~(Smoking is prohibited in all enclosed college facilities and other areas so posted by college officials;~~

(2) ~~The possession, use, sale, or distribution of any alcoholic beverage or illegal drug on the college campus is prohibited, except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on none college property shall conform to state law;~~

(3) ~~Engaging in lewd, indecent, or obscene behavior;~~

(4) ~~Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education process of the college;~~

(5) ~~Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;~~

(6) ~~The intentional making of false statements or filing of false charges against the college and members of the college community;~~

(7) ~~Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;~~

(8) ~~Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;~~

(9) ~~Failure to comply with the direction of college officials acting in the legitimate performance of their duties;~~

(10) ~~Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.};~~

(11) ~~Failure to comply with a college rule or policy, as set forth in the *Lake Washington Technical College Policies and Procedures Manual*;~~

(12) ~~Failure to comply with college attendance policy as published in the current edition of the *Student Handbook*;~~

(13) ~~Retaliation upon witnesses or accusers under this chapter.~~

~~The *Lake Washington Technical College Policies and Procedures Manual* and *Student Handbook* are available during normal business hours for review in the college's library.)) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;~~

(2) Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to be the same extent as completed violations;

(3) Breaching campus safety or security, to include, but not be limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; or propping open of exterior doors;

(b) Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;

(c) Placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from college buildings;

(4) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace on college premises or at college-sponsored activities;

(5) Disruptive activity. Participation in promoting disruptive activity that would interfere with teaching, research, disciplinary proceedings or other college activities. Such activity may include, but is not limited to, classroom behavior that seriously interferes with either:

(a) The instructor's ability to conduct the class; or

(b) The ability of other students to profit from the instructional program;

(6) Failure to appear for a college disciplinary proceeding to respond to allegations or to testify as a witness when reasonably notified to do so;

(7) Failure to comply with college attendance policy as published in the current edition of the *Student Handbook* or course syllabi;

(8) Failure to comply with a college rule or policy, as set forth in the *Lake Washington Technical College Policies and Procedures Manual*;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

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(10) False statements. The intentional making of false statements or filing of false charges against the college, its employees, and members of the college community;

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(12) Harassment, including conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the college;

(13) Illegal use of alcoholic beverages. The possession, use, sale, or distribution of any alcoholic beverage or illegal drugs on the college campus except as specifically provided for by board policy. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(14) Illegal use or possession of weapons. The unauthorized use, possession or storage of any weapons, fireworks or explosives on college premises or at any college-sponsored activity. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury, or incapacitate. Weapons may include, but are not limited to, all firearms (whether lawfully or unlawfully possessed), pellet guns, slingshots, martial arts devices, switchblade knives and clubs;

(15) Imminent danger. Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education processes of the college;

(16) Interference with the discipline code. Action or conduct that hinders, obstructs or otherwise interferes with the implementation of this discipline code;

(17) Interruption of instructional programs (see policy 6.P.39);

(18) Misuses of information technology. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Failure to protect passwords or use of computer accounts. Breach of computer security, harmful access or invasion of privacy; use of another's password or identity, or use of anonymous or fictitious e-mail addresses;

(19) Physical abuse, including attempting or causing injury to an individual. Causing or threatening physical contact with another when the person knows or should reasonably believe that the other will regard the contact or threat as offensive or provocative;

(20) Sexual assault/rape, including the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical forces, coercion, intentional impairment of an individual's ability to appraise the situation

through the administering of any substance or threat of harm to the victim;

Sexual abuse, including attempting or making sexual contact, including, but not limited to, inappropriate touching or fondling against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent;

(21) Smoking. Smoking in all enclosed college facilities and other areas so posted by college officials;

(22) Stalking, including any repeated conduct directed specifically at another person that causes that person (or a member of that person's family or household) to fear for his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property;

(23) Theft and damage. Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(24) Unacceptable use of college facilities and equipment;

(25) Violation of laws. Violation of any law of the United States, law of the state of Washington, or municipal or county ordinance;

(26) Witness retaliation. Retaliation upon witnesses or accusers under this chapter.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-045 Student conduct code—Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.50 RCW, the Uniform Controlled Substances Act, or chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-050 Student conduct code—Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty, staff member, or student of the college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty, staff member, or student of the college who is in the peaceful discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator ((€)), fac-

ulty, or staff member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-060 Student conduct code—Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president administrative services or any other person he or she may designate.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-070 Student conduct code—Right to demand identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification and/or evidence of student enrollment at the college by tender of that person's student identification card, registration schedule, and/or receipt for payment of fees for a current course.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-080 Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct. (1) Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (b) of this subsection, shall be subject to disciplinary action.

(d) An instructor may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that; a student shall have the right to appeal such disciplinary action to the supervisor of the instructor imposing disciplinary action.

AMENDATORY SECTION (Amending WSR 96-07-049, filed 3/18/96, effective 4/18/96)

WAC 495D-120-085 Student conduct code—Hazing prohibited. (1) Hazing is prohibited.

(2) Hazing means any method of initiation into a student organization 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.

(3) Penalties.

(a) Any student organization, association or club that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing and

(ii) Be denied recognition by Lake Washington Technical College as an official organization, association, or club on this campus. If the organization, association, or club is a corporation, whether for profit or non-profit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for (a period of one year).

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The student (~~code of~~) conduct code may be applicable to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) Sanctions for impermissible conduct not amounting to hazing.

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement

engaged in, with respect to the organization or club, will not be tolerated.

(b) 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.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the student ~~((code of))~~ conduct code, depending upon the seriousness of the violation.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-090 Student conduct code—Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the ~~((faculty))~~ college community as chair, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-100 Student conduct code—Distribution of information. (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the appropriate administrator; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers, and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the director of campus services or designee prior to the distribution of any

handbill, leaflet, newspaper, or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-110 Student conduct code—Commercial activities. (1) College facilities will not be used for a commercial solicitation, advertising, or promotional activities except when such activities:

(a) Clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment; and

(b) Are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) College facilities, equipment, and supplies may not be used by students for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-120-100.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-120 ~~((Disciplinary terms.))~~ Student conduct code—Student conduct sanctions. ~~((The definitions set forth in this section apply throughout this chapter.~~

~~(1) Verbal warning means oral notice of violation of college rules.~~

~~(2) A written warning is a reprimand which indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.~~

~~(3) Probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as not missing any class sessions or turning in on time all work assigned. Probation warns the student that any further misconduct will automatically raise the question of termination of enrollment at the college. Probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.~~

~~(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to~~

the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) Suspension means dismissal from the college and termination of a student's status, other than a summary suspension, for a specified period of time not exceeding one term.

(6) Termination means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(7) Monetary fine or restitution: A written order, alone or combined with another disciplinary action, requiring the student to pay, within a stated time limit, appropriate restitution for a financial loss caused by the student's misconduct and/or monetary fine not exceeding one quarter's tuition. Failure to pay shall be cause for further disciplinary action and/or cancelling and barring the student's registration.)) Student conduct sanctions are categorized as primary and secondary. More than one primary sanction or any combination of primary sanctions and secondary sanctions may be imposed for any single violation. Once a student has been finally assessed a disciplinary sanction, however, no more severe primary sanctions may be assessed against him or her by any higher college authority.

(1) Primary sanctions (in order of severity):

(a) Expulsion: Separation of the student from the college whereby the student is not eligible for readmission to the college.

(b) Dismissal: Separation of the student from the college for an indefinite period of time. Readmission to the college may be possible in the future, but no specific time for a decision is established.

(c) Suspension: Separation of the student from the college for a definite period of time. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

(d) Deferred suspension: The sanction of suspension may be placed in deferred status. If the student is found in violation of any college rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the college. A student who is not in good standing is subject to the following restrictions:

(i) Ineligibility to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligibility to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of inter-collegiate competition or representation.

(iii) Ineligibility to receive a college-administered scholarship when the length of the deferred suspension is greater than one quarter. Some scholarships adhere to more strict guidelines, and, therefore, ineligibility may result from a lesser length of deferred suspension. This sanction implies a serious offense and must be uniformly applied by the office

administering the scholarship upon notification by the college disciplinary officer.

(iv) Additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

(e) Conduct probation: An official warning that the student's conduct is in violation of *Lake Washington Technical College Student Conduct Code*, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is deemed "not in good standing" with the college.

(f) Letter of enrollment block: A letter stating that the student may not reenter Lake Washington Technical College without prior approval by the office of the vice-president for student services if enrollment has been blocked for a previous student conduct problem or for medical reasons.

(g) Letter of reprimand: A letter that makes a matter of record any incident that reflects unfavorably on the student or the college.

(h) Warning: Admonition of a student for actions unbecoming to the college community.

(2) Secondary sanctions (no order of severity is established for secondary sanctions):

(a) Community/college service: A student may be offered an opportunity to complete a specified number of hours of community/college service in lieu of other sanctions. The type of community/college service must be approved by the hearing officer.

(b) Educational requirements: A provision to complete a specific educational requirement directly related to the violation committed. The provisions include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, essays, reports, etc.

(c) Restrictions: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

(d) Restitution: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

(e) Loss of parking privileges on campus: Revocation of parking privileges.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-130 Student conduct code—Initiation of discipline. (1) Any college (~~(instructor))~~ faculty or administrator, except the president and the vice-president who would hear any appeal, may take any of the disciplinary actions defined in WAC 495D-120-120, except that only (~~an administrator or~~) the president, a vice-president, or designee may expel, dismiss, or suspend (~~or terminate~~) a student from the college (~~for more than ten days~~). Before taking the action, the disciplining official (~~(ordinarily should)~~) will notify his/her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

(2) The student should be given written notice of any disciplinary action except a verbal warning. Such written notice shall be either delivered personally or mailed by first-class mail to the student's last known address. The notice or warning should advise the student of his/her right to appeal under these rules.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-140 Student conduct code—Appeal of academic action or disciplinary action and student grievances. (1) ~~(A student may appeal a disciplinary action by filing, within twenty days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for a brief or formal adjudicative proceeding. This application may, but need not, explain the student's position and/or be on a form provided under WAC 495D-108-040. The application shall be filed with either the vice president for instructional services or vice president for administrative services, but should not be filed with a vice president who has primary managerial responsibility for the disciplining official.~~

~~(2) The vice president receiving the application for an adjudicative proceeding may refer it for initial review by a supervisor of the disciplining official within a time deadline not exceeding twenty days set by the vice president. In that optional review, the supervisor should meet or attempt to meet with the student, the disciplining official, and anyone else deemed to have information necessary for the supervisor's review. The supervisor should file with the vice president and serve on the student, within the established deadline, a written report.~~

~~(3) Unless the discipline is rescinded or the student confirms in writing his/her withdrawal of the application for an adjudication, the vice president shall conduct an adjudicative proceeding, and shall be its presiding officer. This shall be a brief adjudicative proceeding unless:~~

~~(a) The vice president decides to convert the case to a formal adjudicative hearing; or~~

~~(b) The discipline includes some form of dismissal from the college and the student in his/her request for an adjudication specified a formal adjudicative hearing.~~

~~(4) If for any reason the vice president cannot serve as presiding officer, the president or president's designee shall designate the replacement presiding officer. Disqualification of a presiding officer shall be as provided in RCW 34.05.425.~~

~~(5) The matter shall be heard by the presiding officer de novo.~~

~~(6) Failure to participate or cooperate in the proceeding may be taken into consideration by the presiding officer and shall not preclude the presiding officer from making a decision. This shall not limit the possibility of a default under RCW 34.05.440.~~

~~(7) No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.~~

~~(8) The presiding officer may exclude from a meeting or hearing any person whose conduct is disruptive.~~

~~(9) The presiding officer and, subsequently, a reviewing officer, may affirm, modify, or reverse the disciplinary action.)) Definitions:~~

~~(a) Academic action: Action taken by the college regarding student grades, instructional decisions regarding student progress, student attendance, and/or academic status.~~

~~(b) Disciplinary action: Action taken by the college for student violations of college rules, policies and procedures, the student conduct code, or applicable federal, state, county, or municipal laws.~~

~~(c) Grievance: A student appeal of a decision of the college, including those made by faculty, staff, and administration or the actions of another student.~~

~~(d) Levels of appeal/grievance: Five levels of the student appeals/grievance process in which resolution is considered by college faculty, staff and administration.~~

~~(e) Judicial board: A board consisting of two faculty, two administrators, and two students. The judicial board will hear appeals/grievances at appropriate times in the judicial process and make recommendations to the appropriate vice-president as to resolution.~~

~~(2) Filing of appeals or grievances:~~

~~(a) Students may appeal an action of the college or grieve the actions of the college, its staff, or another student, by filing an appeal/grievance with the appropriate vice-president within twenty working days, except for grade appeals, from the moment when the student had knowledge of the college action or grievable action. The appeal/grievance shall be filed with the vice-president of instructional services regarding academic actions, with the vice-president of administrative services for administrative and business service issues, and with the vice-president of student services for other student matters. A student is deemed to have notice three working days after any notice is mailed to the student's last address on record with the college.~~

~~(b) Grade appeal. If there is tangible evidence that an improper grade was given, a student must appeal directly to the instructor within sixty days of the official ending date of the quarter unless there are extenuating circumstances. Students planning to appeal a grade should retain all tests, paper, projects and other evidence they may have to support the appeal. The standard of review for grade appeals is whether the instructor was arbitrary and capricious. If the grade appeal is based on alleged academic dishonesty, the standard of review is a preponderance of the evidence.~~

~~(c) The appropriate vice-president shall attempt to have the grievance resolved at the lowest level possible, beginning with the student and the college individual involved with the academic action or student discipline or, in the case of a grievance, between the student and the person involved in the grievance. Students may have an advocate present during the appeals process. Mediation may be employed at any time in the appeals/grievance process. Resolution of the appeal/grievance at any level constitutes closure, at the college level, of the appeal/grievance. When resolution is achieved, a written agreement to that effect will be executed. Where violations of federal, state, or local statutes are alleged to have~~

occurred, students may also be subject to additional actions in the courts.

(d) No attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

The participation of attorneys will advance grievances to the Level Three stage, or by mutual agreement, to Level Four.

(3) Level One appeal/grievance:

Resolution of the appeal/grievance is attempted between the principals. The supervisor of the unit involved with the appeal/grievance is responsible for conducting the Level One process. Level One will be completed within ten working days of the student filing of the appeal/grievance and is conducted informally. A student may elect not to use Level One if he/she feels the direct meeting with the person involved in the appeal/grievance would not be appropriate. A student not satisfied with resolution at Level One may move the appeal/grievance to Level Two.

(4) Level Two appeal/grievance:

At Level Two, the unit supervisor will consider the issues in the dispute and render a decision on the issues within ten working days of receipt of the appeal/grievance at Level Two. The supervisor will involve the parties in an attempt to resolve the appeal/grievance. This may include face-to-face meetings, mediation, or other means of resolution. A student may move the appeal/grievance to Level Three, within five working days of the Level Two decision by the supervisor.

(5) Level Three appeal/grievance:

At Level Three, the judicial board hears the appeal/grievance. Both parties to the appeal/grievance will have the opportunity to present information to the judicial board. A record of the judicial board's proceedings will be kept, which will entail at a minimum that the proceeding be tape-recorded. All testimony of witnesses and interpreters will be given under oath. The judicial board will conduct its hearing within twenty working days of receipt of the appeal/grievance at Level Three. The appropriate vice-president is responsible for convening the judicial board and ensuring the Level Three process is concluded.

The judicial board, after hearing the appeal/grievance, shall recommend disposition of the case to the appropriate vice-president. The recommendation will be included in the board's findings of fact and a recommended course of action.

(6) Level Four appeal/grievance:

Level Four involves a hearing by the parties before the appropriate vice-president. The vice-president shall consider the recommendations of the judicial board, may take additional testimony from the parties or witnesses, and respond with a decision within ten working days of receipt of the judicial board's recommendations. The vice-president's decision in the matter may be appealed to the college president within ten working days of the student's receipt of the vice-president's decision.

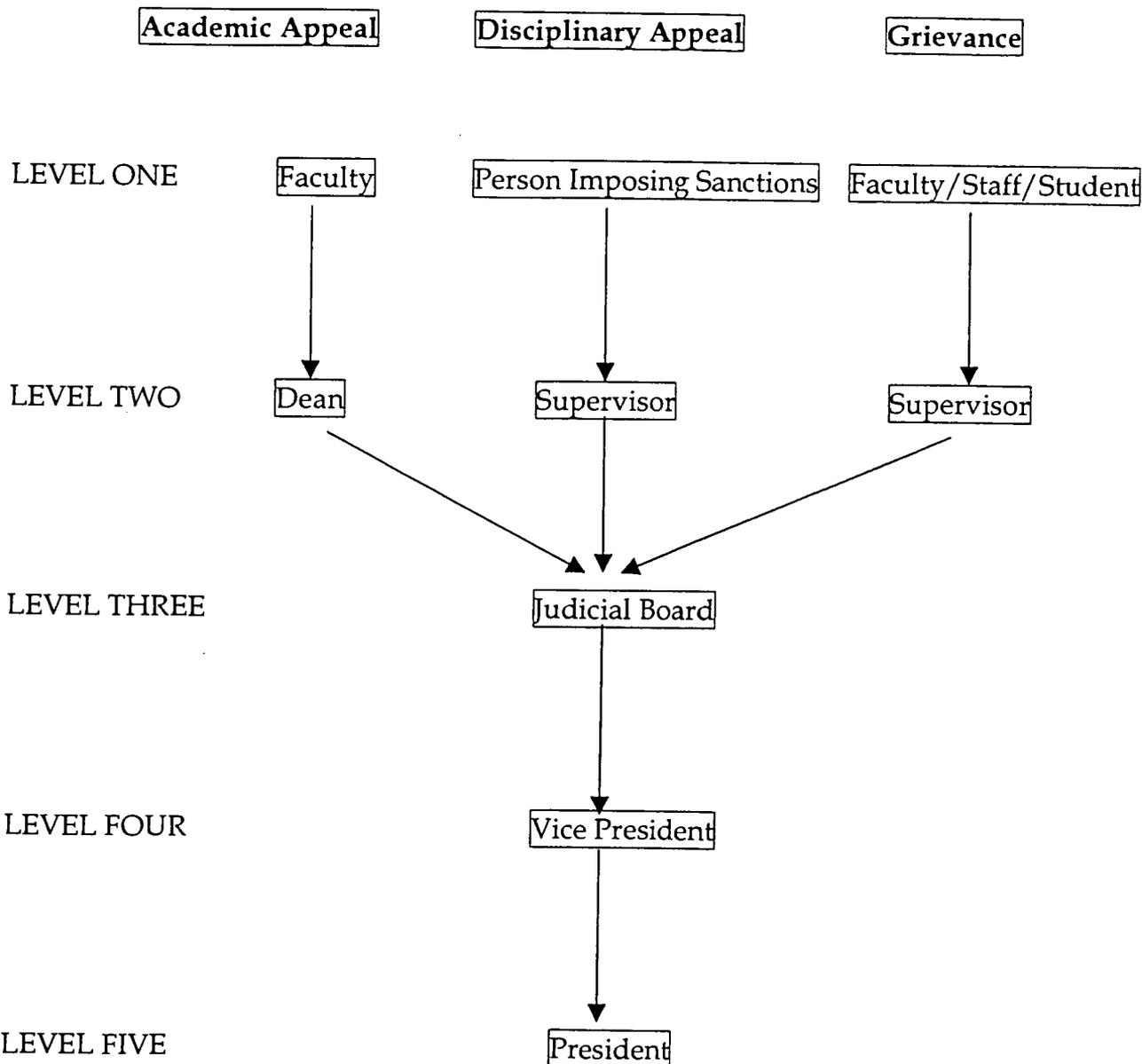
(7) Level Five appeal/grievance:

The college president shall review appeals/grievances at Level Five. The president will issue a final decision within

ten working days of receipt of the student's appeal of the vice-president's decision at Level Four.

PROPOSED

Student Appeals/Grievance Process



PROPOSED

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-170 Student conduct code—Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of ~~((misconduct))~~ conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-180 Student conduct code—Readmission after dismissal or suspension ~~((or termination))~~. Any student dismissed or suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the dismissal or suspension was issued. If ~~((the))~~ a student who has been ~~((terminated or feels))~~ dismissed or suspended believes that circumstances warrant reconsideration of ~~((a))~~ the dismissal or suspension prior to its expiration~~((s))~~; or, if the student was dismissed or suspended with conditions imposed for readmission, the student may be readmitted following approval of a written peti-

tion submitted to the (~~administrator~~) vice-president who imposed such suspension or such other designated administrator (~~as may be designated by the executive vice-president for instruction~~). Such petition must state reasons (~~which~~) that support a reconsideration of the matter. Before readmission may be granted in any case, a petition must be submitted, reviewed (~~by~~) in a conference (~~between~~) with a counselor (~~instructor~~) and an administrator, and approved by the (~~administrator~~) appropriate vice-president.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-190 Student conduct code—Reestablishment of academic standing. Students who have been expelled, dismissed, or suspended (~~or terminated~~) pursuant to disciplinary procedures set forth in WAC 495D-120-120 and 495D-120-130 and whose expulsion, dismissal, or suspension (~~or termination~~) upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

AMENDATORY SECTION (Amending WSR 92-15-081, filed 7/16/92, effective 8/16/92)

WAC 495D-120-200 Student conduct code—Reporting, recording, and maintaining records. Records of all disciplinary and grievance cases shall be kept by the (~~disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated,~~) vice-president for student services. All documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years. (~~No other records of proceedings wherein the student is exonerated, other than the fact of exonerated, shall be maintained in the student's discipline file or other college repository.~~)

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 495D-120-150 Discipline—Brief adjudicative proceedings.
- WAC 495D-120-160 Discipline review—Formal adjudicative proceedings.

WSR 00-16-107

PROPOSED RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed August 2, 2000, 8:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-12-029.

Title of Rule: Advanced registered nurse practitioner rules, new WAC 246-840-299 Definitions, amending WAC 246-840-300, 246-840-305, 246-840-310, 246-840-320, 246-840-330, 246-840-340, 246-840-345, 246-840-360 and 246-840-410; and repealing WAC 246-840-315, 246-840-430, and 246-840-440.

Purpose: Define licensing requirements for advanced registered nurse practitioners.

Statutory Authority for Adoption: RCW 18.79.110, 18.79.050.

Statute Being Implemented: Chapter 18.79 RCW, RCW 18.79.050.

Summary: The Nursing Care Quality Assurance Commission has spent four years reviewing the ARNP rules, meeting with members of the public on at least eight occasions and researching ARNP rules in other states. After careful analysis and much input, the commission has decided that these rules should be amended to be more clear, concise and reflect current requirements.

Reasons Supporting Proposal: There have been at least eight ARNP round table meetings with the public to solicit input on how to amend these rules. A rules writing workshop was also held to help write the rules. These amendments represent the suggestions received from interested persons.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, P.O. Box 47864, Olympia, WA 98504, (360) 236-4712.

Name of Proponent: Nursing Care Quality Assurance Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The Department of Health and Nursing Care Quality Assurance Commission received a lot of public comment at the roundtable meetings and rules writing workshop. These comments have been incorporated into the draft rules.

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

Explanation of Rule, its Purpose, and Anticipated Effects: All eighteen of the existing ARNP rules were reviewed to determine if they were clear, concise and still relevant. After at least eight ARNP roundtable meetings with the public and one rules writing workshop, the consensus was to amend nine rules, repeal three, add one new rule regarding definitions and no changes to seven rules. When these rules are amended and adopted we believe that it will make rules that are easier to understand, more clear on expectations for ARNP licensees and allow greater flexibility for ARNP licensees. Several rules currently list the known specialties that ARNP's can become certified in. Three rules are identified as needing repeal because they are redundant and no longer necessary.

Proposal Changes the Following Existing Rules: Nine of the currently existing ARNP rules are identified to be amended to make them clearer, easier to understand and more flexible for ARNP licensees. This proposal also repeals three rules which have been identified as being redundant and no longer necessary.

PROPOSED

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

Small Business Economic Impact Statement

In preparing this small business economic impact statement (SBEIS), the department used SIC code 809 Miscellaneous Health & Allied Services, Not Elsewhere Classified which has a minor impact threshold of \$53.00. The estimated cost to health care practitioners for amending these rules is zero.

Therefore, there is no disproportionate cost for small businesses.

A copy of the statement may be obtained by writing to Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4712, fax (360) 236-4738.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.328 because they adopt substantive provisions which subject the violator to penalty or sanction and establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license.

Hearing Location: Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA, on September 8, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kris McLaughlin at (360) 664-4207 or (360) 236-4713, by September 1, 2000, TDD (360) 664-0064, or fax (360) 236-4738.

Submit Written Comments to: Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504, fax (360) 236-4738, by September 6, 2000.

Date of Intended Adoption: September 8, 2000.

June 21, 2000

Paula R. Meyer, RN, MSN
Executive Director

NEW SECTION

WAC 246-840-299 Definitions. (1) Advanced nursing practice: Advanced nursing practice is the delivery of expert nursing care by registered nurses who have acquired experience and formal education in specialized areas. A nurse with this preparation may qualify as ARNP as delineated in WAC 246-840-300.

(2) Advanced registered nurse practitioner (ARNP): An ARNP is a registered nurse who has had formal graduate education and has achieved national specialty certification for the nurse practitioner, nurse anesthetist or nurse midwife role.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-300 Advanced registered nurse practitioner. An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume ((an expanded role in providing health care services)) primary responsibility for continuous and comprehensive management of a broad range of patient care, concerns and

problems. Advanced registered nurse practitioners function within the ~~((scope of practice reviewed and approved by the commission. Those scopes reviewed are the statements of scope accepted by the certifying bodies as the basis for their test plan and selection of test items))~~ specialty scopes of practice and/or description of practice and/or standards of care developed by national professional organizations and reviewed and approved by the commission. These statements form the basis for selection of test items or competency based evaluation processes and are derived from standard educational curricula for certain practice areas. ARNP members of the commission will review these statements on a biennial basis and will present substantive changes to the full commission for approval or disapproval. Advanced registered nurse practitioners are prepared and qualified to assume primary responsibility and accountability for the care of their patients. This practice is grounded in nursing and incorporates the use of independent judgment as well as collaborative interaction with other health care professionals when indicated in the assessment and management of wellness and conditions as appropriate to the ARNP's area of specialization.

Within the scope of the advanced registered nurse practitioner's knowledge, experience and specialty scope of practice statement(s), licensed advanced registered nurse practitioners may perform the following functions:

- Examine patients and establish medical diagnoses by client history, physical examination and other assessment criteria;

- Admit patients to health care facilities;

- Order, collect, perform and interpret laboratory tests;

- Initiate requests for radiographic and other testing measures;

- Identify, develop, implement and evaluate a plan of care and treatment for patients to promote, maintain and restore health;

- Prescribe medications when granted authority under this chapter;

- Refer clients to other health care practitioners or facilities.

An advanced registered nurse practitioner ~~((shall))~~:

(1) Shall hold a current license to practice as a registered nurse in Washington; ~~((and))~~

(2) Shall have completed a formal advanced nursing education meeting the requirements of WAC 246-840-305; ~~((and))~~

(3) Shall present documentation of initial certification credential ~~((for specialized and advanced nursing practice))~~ granted by a national certifying body ~~((whose certification program is approved by))~~ of the commission, approved ARNP specialty whose certification program is approved by the commission and subsequently maintain currency and competency as defined by the certifying body; ~~((and))~~

(4) ~~((Be held accountable to scope of practice and the standards of care established for the specialty as reviewed and approved by the commission.))~~ Copies of statements of scope of practice or practice descriptions are maintained in the nursing commission's office. Specialty designations recognized by the commission and the date of the commission approved statement of scope of practice or practice description are:

(a) Family Nurse Practitioner (FNP) (American Nurses Association, 1998; American Academy of Nurse Practitioners, 1992).

(b) Women's Health Nurse Practitioner (WHNP) (American Association of Women's Health, Obstetric, and Neonatal Nurses, 1997).

(c) Pediatric Nurse Practitioner (PNP) (National Association of Pediatric Nurse Associates and Practitioners, 2000; American Nurses Association, 1998).

(d) Adult Nurse Practitioner (ANP) (American Nurses Association, 1998; American Academy of Nurse Practitioners, 1992).

(e) Geriatric Gerontological Nurse Practitioner (GNP) (American Nurses Association, 1998).

(f) Certified Nurse Midwife (CNM) (American College of Nurse Midwives, 1997).

(g) Certified Registered Nurse Anesthetist (CRNA) (American Association of Nurse Anesthetists, 1996).

(h) School Nurse Practitioner (American Nurses Association, 1998).

(i) Neonatal Nurse Practitioner (NNP) (American Association of Women's Health, Obstetric, and Neonatal Nurses, 1997).

(j) Psychiatric Nurse Practitioner or Clinical Specialist in Psychiatric-Mental Health Nursing (American Nurses Association, 1998).

(k) Acute Care Nurse Practitioner (American Nurses Association, 1998).

(5) Shall be held individually accountable for practice based on and limited to the scope of his/her education, demonstrated competence, and advanced nursing experience;

(6) Shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices;

(7) Shall be responsible for maintaining current knowledge in his/her field of practice;

(8) Must be prepared to show documentation of any additional formal education, skills training, or supervised clinical practice beyond the basic ARNP preparation; and

(9) May choose to limit his or her area of practice within the recognized specialty or specialties.

(10) If recognized in more than one specialty area, must obtain and maintain certification in all areas and must obtain formal education and training for each area of specialization.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-305 Criteria for formal advanced nursing education meeting the requirement for ARNP licensure. ~~((+))~~ The college or university graduate education program which prepares the registered nurse for ~~(advanced nursing practice)~~ eventual licensure as an ARNP shall have as its primary purpose the preparation of advanced practice nurses for ~~((the expanded nursing role as an advanced registered nurse practitioner))~~ roles as defined in WAC 246-840-300. Documentation that may be requested to substantiate preparation for the ARNP role may include, but shall not be limited to:

~~((a))~~ (1) The philosophy, purpose, and objectives of the program, which are clearly defined and available in written form.

~~((b))~~ (2) The objectives reflecting the philosophy which are written in outcomes that describe the competencies of the graduate.

~~((c))~~ (3) Administrative policies of the program, which include:

~~((i))~~ (a) Clearly stated admission criteria, available in written form.

~~((ii))~~ (b) Provision of official evidence that the student has completed the program successfully.

~~((iii))~~ (c) Documentation that the program is conducted by an accredited college or university.

~~((d))~~ (4) Evidence that faculty meet the following requirements:

~~((i))~~ (a) Inclusion of faculty who are currently authorized to assume primary responsibility for patient care in the given specialty.

~~((ii))~~ (b) Only medical faculty who are authorized to practice.

~~((iii))~~ (c) The number of qualified faculty in the specialty area available to develop and implement the program is adequate.

~~((iv))~~ (d) Preceptors who participate in teaching, supervising, and evaluating students. Criteria are in place for selection and functioning of preceptors. Preceptors guide students and communicate with faculty regarding student progress.

~~((e))~~ (5) Curriculum of the advanced nursing practice program which reflects:

~~((i))~~ (a) Course content that is consistent with the philosophy and objectives of the program.

~~((ii))~~ Theory and clinical experience relevant to the specialized area of advanced practice and leading to achievement of the defined outcome competencies. These shall include content in biological, behavioral, nursing, medical, pharmacological, and regulation of the advanced practice role.

~~((iii))~~ (b) The coordinated, formal program of study shall be based on defined outcome competencies. Minimal course requirements shall include:

- Advanced physiology/pathophysiology
- Advanced health assessment
- Diagnostic theory and medical management of health care problems

- Advanced pharmacotherapeutics
- A minimum of 500 hours in direct patient care in the ARNP role with clinical preceptor supervision and faculty oversight
- Role of the ARNP.

~~((c))~~ Before January 1, 1995, content that requires a minimum of one academic year for completion.

~~((iv))~~ (d) After January 1, 1995, content that culminates in a graduate degree with a concentration in advanced nursing practice.

~~((v))~~ (e) If the formal educational program to prepare for the advanced nursing practice role is taken after completion of the graduate degree, the candidate must submit evidence that the practitioner preparation program, as stated in

(e)(ii) of this subsection, is equivalent to that leading to a graduate degree in advanced practice specialty.

~~((#)) (6) Outlines and descriptions of curriculum content which are available in written form.~~

~~((2) The commission will review educational programs that an applicant is considering for preparation for advanced practice to assist in selection of a program that meets requirements. All requests for review must be in writing. Written response will be provided to all applicants in this category and maintained in applicant's file at the board of nursing.))~~

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-310 Use of nomenclature. Any person who qualifies under WAC 246-840-300 and whose application for advanced registered nurse practitioner designation has been approved by the commission shall be designated as an advanced registered nurse practitioner and shall have the right to use the title "advanced registered nurse practitioner" or nurse practitioner and the abbreviation following the nurse's name shall read "ARNP" and the title or abbreviation designated by the approved national certifying body. ~~((No other initials or abbreviations shall legally denote advanced nursing practice.))~~ No other person shall assume such title or use such abbreviation. No other person shall use any other title, words, letters, signs or figures to indicate that the person using same is recognized as an advanced registered nurse practitioner and:

- (1) Family nurse practitioner, FNP; or
- (2) Women's health care nurse practitioner, WHCNP; or
- (3) Pediatric nurse practitioner/associate, PNP/PNA; or
- (4) Adult nurse practitioner, ANP; or
- (5) Geriatric nurse practitioner, GNP; or
- (6) Certified nurse midwife/nurse midwife, CNM; or
- (7) Certified registered nurse anesthetist, CRNA; or
- (8) School nurse practitioner, SNP; or
- (9) Neonatal nurse practitioner, NNP; or
- (10) Clinical nurse specialist in psychiatric/mental health nursing or psychiatric nurse practitioners; or
- (11) Acute care nurse practitioner, ACNP.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-320 Certification and certification program. (1) Certification is a form of credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

~~((A certification program is used by a national certifying body to grant the certification credential.))~~ A certification program shall be based on:

(a) A scope of practice statement as identified in WAC 246-840-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives; and

(iii) Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) ~~((An examination in the area))~~ The process of certification ((which)) shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) Be developed in accordance with generally accepted standards of validity and reliability; ~~((and))~~

(iii) Be ~~((open))~~ only to registered nurses who have successfully completed the program of study referred to in (b) of this subsection; and

(iv) The certification program must successfully meet the criteria of the National Commission on Certifying Agencies, the third-party organization which periodically reviews the exam integrity, exam content and administrative processes of the certifying organization.

(3) The commission shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

WAC 246-840-330 Commission approval of certification programs and commission recognition of new specialties. (1) ~~((A licensee may request that a certification program be considered for approval and shall submit documentation showing that the program meets the requirements of WAC 246-840-320(2).))~~

~~((2) The commission shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 246-840-320(2).))~~

~~((3) The commission shall notify licensees of pending review and may request that further information be provided regarding continued compliance with the provisions of WAC 246-840-320(2).))~~

The commission shall review each certification program at least once every four years. The review will occur at a commission business meeting. The commission may discontinue approval in the event that a certification program no longer meets the criteria of WAC 246-840-320.

(2) The commission shall notify licensees of pending review and may request that further information be provided regarding compliance with the provisions of WAC 246-840-320(2).

(3) Schools contemplating the development of a new ARNP specialty may request that new specialties and related certification programs be considered for ARNP designation through the rule-making process.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-840-360 Renewal of ARNP designation.

The applicant must:

- (1) Maintain a current registered nurse license in Washington.
- (2) Submit evidence of current certification by her/his certifying body in all specialty areas.
- (3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the commission:
 - (a) Formal academic study;
 - (b) Continuing education offerings.
- (4) Attest, on forms provided by the commission, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services. The commission may perform random audits of licensee's attestations.
- (5) Comply with the requirements of chapter 246-12 WAC, Part 2.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-840-410 Application requirements for ARNP with prescriptive authority. An advanced registered nurse practitioner who applies for authorization to prescribe drugs must:

- (1) Be currently designated as an advanced registered nurse practitioner in Washington.
 - (2) ~~(Be designated by their national certifying body as:~~
 - ~~(a) A family nurse practitioner; or~~
 - ~~(b) A women's health care nurse practitioner; or~~
 - ~~(c) A pediatric nurse practitioner/associate; or~~
 - ~~(d) An adult nurse practitioner; or~~
 - ~~(e) A geriatric nurse practitioner; or~~
 - ~~(f) A nurse midwife; or~~
 - ~~(g) A nurse anesthetist; or~~
 - ~~(h) A school nurse practitioner; or~~
 - ~~(i) A clinical specialist in psychiatric and mental health nursing; or~~
 - ~~(j) A neonatal nurse practitioner.~~
 - (3)) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:
 - (a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.
 - (b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.
 - (c) Are obtained from the following:
 - (i) Study within the advanced formal educational program; and/or
 - (ii) Continuing education programs.
- Exceptions shall be justified to and approved by the commission.

~~((4))~~ (3) Submit a completed, notarized application on a form provided by the commission accompanied by a fee as specified in WAC 246-840-990.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-840-315	Clinical specialist in psychiatric/mental health nursing.
WAC 246-840-430	Termination of ARNP prescriptive authorization.
WAC 246-840-440	Prescriptive authorization period.

WSR 00-16-108
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)

[Filed August 2, 2000, 8:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-11-065.

Title of Rule: Patient counseling required.

Purpose: Require pharmacists to provide patient counseling on all new prescriptions, and as needed on prescription refills, to assure that patients take their medications appropriately to receive optimal therapeutic outcomes.

Statutory Authority for Adoption: RCW 18.64.005(7).

Statute Being Implemented: RCW 18.64.005(7).

Summary: The proposed amendment clarifies a rule that was adopted twenty-five years ago requiring pharmacists to provide patient counseling on all new prescriptions and as needed on refill prescriptions.

Reasons Supporting Proposal: The proposed amendment clarifies the board's position regarding counseling. The proposed amendment promotes public health by assuring that patients receive the information necessary to appropriately take their medication, reduce the potential for medication errors and drug related morbidity and mortality.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. H. Williams, 1300 Quince Street S.E., Olympia, WA 98504, (360) 236-4828.

Name of Proponent: Washington State Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule clarifies the board's expectations of the pharmacist in the area of patient counseling. The board expects the pharmacist to directly counsel the patient or the patient's agent on the use of drugs or devices. The pharmacist is expected to use his or her professional judgement to determine the extent of counseling necessary to promote the safe administration of the prescription. It is anticipated that the

PROPOSED

proposed rule will promote public health and safety by providing patients with the information necessary to make well informed decisions regarding medication use, reduce the potential for medication errors and drug related morbidity and mortality.

Proposal Changes the Following Existing Rules: Clarifies existing rule on patient counseling.

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

Small Business Economic Impact Statement

Costs Required to Comply: The proposed rule amendment will establish requirements for pharmacists. Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold varies by industry. The standard industrial code classification used to determine the threshold for more than minor impact was:

Standard Industrial Code:	512
Economic Activity:	Drugs, Drug Proprietor & Drugists' Sundries
Minor Cost Threshold:	\$300

Costs Required to Comply: The proposed amendment does not impose an additional cost to pharmacists. The rule clarifies the board's expectations of the pharmacist in regards to patient counseling. Pharmacists have been required to provide patient counseling for over twenty-five years.

Does the cost of the proposed rule exceed the threshold where an SBEIS is required? The cost to implement the proposed amendment to the patient counseling rule is below the minor threshold of \$300 so an SBEIS is not required.

A copy of the statement may be obtained by writing to Lisa Salmi, P.O. Box 47863, Olympia, WA 98504-7863, phone (360) 236-4828, fax (360) 586-4359.

RCW 34.05.328 applies to this rule adoption. These rules are significant under section 201, chapter 403, Laws of 1995 because they adopt substantive provisions which subject the violator to penalty or sanction. The agency has conducted the additional analysis required under section 201.

Significant Legislative Rule Analysis

Problem Statement: Inappropriate use of prescription medications is a serious public health issue.

Background: Pharmacists are the principle resource to patients and other health professionals in assuring appropriate use and optimal therapeutic outcomes from drugs. To assure patients take their medications appropriately, the Board of Pharmacy has required pharmacists to provide patients with information or counseling on all new prescriptions and as needed on refill prescriptions. A pharmacist may not delegate the professional responsibility to counsel patients regarding their medications.¹ The board adopted this rule approximately twenty-five years ago.

Over fifty million prescriptions are filled each year by Washington pharmacies. It is estimated that approximately

40% of the fifty million prescriptions filled each year require patient counseling. Each time a prescription is filled, the pharmacist has an opportunity to assure optimal therapeutic outcomes for that patient.

Studies have shown that patient's compliance with prescribed drug regimens is poor. A Food and Drug Administration (FDA) review of fifty studies concluded that noncompliance rates averaged from 30 to 50%.² An essential step in increasing compliance is to improve the information patients receive concerning their medications. The pharmacist's role in improving compliance is clear, the pharmacist must ensure that patients receive the information necessary to make well-informed choices about their medication use.

In addition to compliance problems, drug-related morbidity and mortality has also been identified as a serious problem in the United States. The Food and Drug Administration estimates that hospitalizations caused by the improper use of prescription drugs cost an estimated twenty billion per year. In 1995, drug-related morbidity and mortality was estimated to cost \$76.6 billion in the outpatient or ambulatory setting.³

The media has also been particularly critical of errors committed by health professionals. In November 1999, the Institute of Medicine (IOM) released its report on medical mistakes. The IOM reports that medical mistakes are not limited to high profile surgical errors such as amputating the wrong limb. Understated errors, such as delays in diagnosing a disease, failure to conduct testing and medication mistakes, contribute to the large number of patients who are harmed each year by medical mistakes. The report quoted studies estimating that at least 44,000 and perhaps as many as 98,000 hospitalized patients die every year from medical errors.

FDA Commissioner Jane E. Henney recently told a group of 6,000 pharmacists that pharmacists must ensure that patients receive information about how to use their medications appropriately. The role of pharmacists in informing their patients about the risk of drugs is "extremely important as we work together to protect the public health." The report released by the IOM underscores the fact that most injuries and deaths from medications are from known adverse effects.

Errors attributed to pharmacists incorrectly deciphering a physician's poor handwriting and "sound-alike" medication mix-ups could be reduced with patient counseling. Drug names that sound or look alike can contribute to the pharmacist selecting the wrong medication. Patients receiving the wrong medication is an example of a recurring medication error that could be reduced by the pharmacist counseling patients on their medications. An example of an error that is frequently reported to the board is when a patient receives the medication Prilosec instead of Prozac (or vice-versa). This error could be easily identified during patient counseling when the pharmacist explains to the patient that the medication they are taking is used to treat an ulcer or gastroesophageal reflux disease. If the patient informs the pharmacist that they believed their physician prescribed a drug to treat depression (or other disease state), this should alert the pharmacist that it is possible that an error has been made and he or she needs to investigate the matter.

Congress recently passed legislation ordering the Agency for Health Care Policy and Research to look for strat-

egies to reduce medical mistakes. Patient counseling could play an important role in reducing medication mistakes. When the pharmacist informs the patient of the purpose of the medication, dose, side effects and route of administration for example, not only does this provide the patient with the information they need to appropriately take their medication, it also provides an additional opportunity to assure that the right patient receives the correct medication. The Institute of Medicine is also calling for "rigorous changes" throughout the health care system to cut the enormous number of deaths and injuries from medical errors. The proposed rule is a proactive approach to reducing errors committed by health professionals.

Over the years, the board has been concerned that pharmacists were not complying with the rule. Enforcement of the rule has been problematic for the board. When a board of Pharmacy investigator is present in the pharmacy, the pharmacist will almost always counsel patients on their medications. However, patients report that they are not receiving counseling. The board has had to rely on "secret shoppers" to determine if counseling is taking place. In 1993, the board surveyed one hundred eight pharmacies to determine the level of counseling being provided in Washington state. The study validated the board's concerns, 66% of the pharmacies surveyed failed to provide adequate counseling.

At the same time, Congress underscored the counseling role of pharmacists by including it as one of the components of the drug utilization review requirements it incorporated into the Medicaid program. The program stipulates the pharmacist must offer to counsel each Medicaid beneficiary who presents a prescription and the state governments must establish standards for counseling of these individuals.⁴ The states responded by enacting patient counseling laws that applied not only to Medicaid beneficiaries, but also to all patients. According to the National Boards of Pharmacy, forty-six states required face-to-face counseling by the pharmacist by 1996.

In 1996, the board established a workgroup to examine the issue of patient counseling. The workgroup presented the board with their findings including a number of recommendations to improve pharmacist's compliance with the rule. A number of stakeholders did not agree with the recommendations of the workgroup. While they supported pharmacist-patient counseling, they expressed concerns about unique patient needs or difficulties that go beyond a basic level of patient education.

As a result, the board asked the concerned parties to work together and a second workgroup was created. This workgroup met on multiple occasions over the next six months to develop proposed amendments to strengthen the rule. Both of the workgroups identified the pharmacist's lack of a clear understanding of the board's expectations of the pharmacist in the area of patient counseling as a barrier to compliance. The proposed rule and guidelines clearly illustrate the board's expectations of the pharmacist.

The board held multiple open forums to discuss proposed amendments to the rule and receive comments from pharmacists and interested parties. The stakeholder group held lengthy, focused discussion on the issues when drafting the proposed rule. In September 1999, the board determined

the proposed rule was too detailed and did not adequately give the pharmacist the ability to utilize his or her own profession when counseling patients. The board developed new language for the rule. Stakeholders and interested parties agreed that the language proposed by the board was preferable to the previous proposal.

The proposed rule clearly states the board's expectations in the area of counseling. The proposed amendments do not expand current counseling requirements, rather they are intended to clarify the board's intentions.

Goal: To educate the public in the use of drugs and devices dispensed upon prescription to promote safe administration of the drug and the optimal therapeutic outcome for that prescription.

Principle Components: The proposed rule does not impose additional requirements upon the pharmacist. Patient counseling has been required in the state of Washington for twenty-five years. Pharmacists report a lack of clear understanding of the board's expectations in the area of patient counseling. The proposed rule and implementing guidelines clearly delineate the board's expectations of the pharmacist for patient counseling.

CURRENT WAC 246-869-220 Patient information required. Except in those cases when the prescriber has advised that the patient is not to receive specified information regarding the medication:

(1) In order to assure the proper utilization of the medication or device prescribed, with each new prescription dispensed by the pharmacist, in addition to labeling the prescription in accordance with the requirements of RCW 18.64.245 and WAC 246-869-210, the pharmacist must:

(a) Orally explain to the patient or the patient's agent the directions for use and any additional information, in writing if necessary, for those prescriptions delivered inside the confines of the pharmacy; or

(b) Explain by telephone or in writing for those prescriptions delivered outside the confines of the pharmacy.

(2) In those instances where it is appropriate, when dispensing refill prescriptions, the pharmacist shall communicate with the patient or the patient's agent, by the procedure outlined in subsection (1)(a) or (b) of this section or the patient's physician regarding adverse effects, over or under utilization, or drug interaction with respect to the use of medications.

(3) Subsections (1) and (2) of this section shall not apply to those prescriptions for inpatients in hospitals or institutions where the medication is to be administered by a nurse or other individual authorized to administer medications.

(4) In the place of written statements regarding medications, the pharmacist may use abstracts of the Patient USP DI 1988 edition, or comparable information.

PROPOSED WAC 246-869-220 Patient counseling. The purpose of this counseling requirement is to educate the public in the use of drugs and devices dispensed upon a prescription. The pharmacist shall directly counsel the patient or patient's agent on the use of drugs or devices. An offer to provide direct counseling and information about the drug and how to reach the pharmacy shall be provided in writing for

prescriptions delivered outside of the pharmacy. The pharmacist shall determine the extent of counseling efforts by what is reasonable and necessary under the circumstances to promote safe administration and the optimal therapeutic outcome for that prescription.

The requirements of this rule shall apply to all prescriptions except where a medication is to be administered by a licensed health professional authorized to administer medications.

Alternatives to Rule Making: The board originally considered adopting a very specific, detailed rule. The original rule required pharmacists to use an interactive method to exchange information with the patient. The proposed rule outlined exactly how the pharmacist should counsel the patient and required the pharmacist to document any patient-related difficulty in the pharmacist's effort to effectively convey essential information or a patient's refusal to engage in patient counseling. The original proposal did not allow the pharmacist much flexibility in applying his or her professional expertise or judgment when counseling patients.

Another option considered by the board was to do nothing and allow the profession to solve the problem. However, taking a "do nothing" stance does not achieve the board's goal to minimize adverse drug outcomes. In 1994, the board considered mandating pharmacist's participation in an interactive patient counseling educational program. Responding to objections from the profession, the board abandoned the requirement for mandatory training and instead granted pharmacists a one-time incentive for participating in patient counseling continuing education. Very few pharmacists took advantage of the incentive by participating in the training.

Rule-making Requirements of the Administrative Procedure Act: State agencies must satisfy specific legal and policy criteria before adopting or amending regulations. These criteria come from two sources: The Administrative Procedure Act (RCW 34.05.328) and the Executive Order on Regulatory Improvement (No. 97-02). These sources set up complementary, but slightly different review requirements.

The Administrative Procedure Act deals solely with adopting or amending regulations. Before adopting a rule the Administrative Procedure Act (RCW 34.05.328) requires state agencies to:

(c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;

(e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

(i) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and

(h) Coordinate the rule, to the maximum extent practicable, with other federal, state and local laws applicable to the same activity or subject matter.

When making these determinations, the department must assemble documentation of "sufficient quality and quantity so as to persuade a reasonable person that the determinations are justified."

In addition, the Executive Order on Regulatory Improvement (No. 97-02) directs state agencies to ensure that "[a]ny new rules or significant amendments... shall be consistent with its [seven review criteria]..."⁵

1. Need. Is the rule necessary to comply with the statutes that authorize it? Is the rule obsolete, duplicative, or ambiguous to a degree that warrants repeal or revision? Have laws or other circumstances changed so that the rule should be amended or repealed? Is the rule necessary to protect or safeguard the health, welfare, or safety of Washington's citizens?

2. Effectiveness and Efficiency. Is the rule providing the results that it was originally designed to achieve in a reasonable manner? Are there regulatory alternatives or new technologies that could more effectively or efficiently achieve the same objectives?

3. Clarity. Is the rule written and organized in a clear and concise manner so that it can be readily understood by those to whom it applies?

4. Intent and Statutory Authority. Is the rule consistent with the legislative intent of the statutes that authorize it? Is the rule based upon sufficient statutory authority? Is there a need to develop a more specific legislative authorization in order to protect the health, safety, and welfare of Washington's citizens?

5. Coordination. Could additional consultation and coordination with other governmental jurisdictions and state agencies with similar regulatory authority eliminate or reduce duplication and inconsistency? Agencies should consult with and coordinate with other jurisdictions that have similar regulatory requirements when it is likely that coordination can reduce duplication and inconsistency.

6. Cost. Have qualitative and quantitative benefits of the rule been considered in relation to its cost?

7. Fairness. Does the rule result in equitable treatment of those required to comply with it? Should it be modified to eliminate or minimize any disproportionate impacts on the regulated community? Should it be strengthened to provide additional protection?

Benefit Cost Analysis (RCW 34.05.328 (1)(c)): The proposed rule does not impose an additional cost to the licensee. Patient counseling has been required in the state of Washington for twenty-five years. The proposed amend-

ments to the rule and implementing guidelines reinforce the expectations of the board.

Least Burdensome Alternative (RCW 3.05.328 [34.05.328] (1)(d)): The board originally proposed a very specific, detailed rule. After much discussion with stakeholders, the prescriptive rule was abandoned in favor of the proposed rule that allows pharmacists to use their professional expertise and judgment when counseling patients.

The board also considered mandating training in patient counseling. The mandate was discarded and instead the board offered pharmacists a one-time continuing education incentive for participating in patient counseling training. The incentive approach to improve compliance with the board's patient counseling rule was not successful. Very few pharmacists participated in the training.

Does Not Violate Another Federal or State Law (RCW 34.05.328 (1)(e)): This rule does not violate other federal or state laws.

Does Not Impose more Stringent Performance Requirements on Private Entities than on Public Entities (RCW 34.05.328 (1)(f)): This rule does not impose more stringent performance requirements on private entities than on public entities.

Justify Differences from any Federal Regulation or Statute Applicable to the Same Activity (RCW 34.05.328 (1)(g)): Federal statutes and regulations stipulate the pharmacist must offer to counsel each Medicaid beneficiary who presents a prescription. Washington state rule requires the counseling of all patients, not just Medicaid beneficiaries.

Coordinate the Rule, to the Maximum Extent Practicable, with Other Federal, State, and Local Laws Applicable to the Same Activity (RCW 34.05.328 (1)(h)): The rule complies with federal laws.

¹ Department of Health, Washington State Board of Pharmacy rule, WAC 246-863-095(1)(b) Pharmacist's Professional Responsibilities

² Federal Register, August 24, 1995 21 CFR Part 201

³ Johnston & Bootman, Drug-Related Morbidity and Mortality, A Cost-of-Illness Model, Archives of Internal Medicine, Volume 155, October 9, 1995.

⁴ The Omnibus Budget Reconciliation Act of 1990

⁵ In addition to the seven review criteria, the Executive Order requires state agencies to consult with major stakeholders while reviewing a regulation. The department's efforts to involve stakeholders in the development of this rule is discussed in the Small Business Economic Impact Statement accompanying this rule.

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA, on September 8, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by August 15, 2000, TDD (800) 833-6388, or (800) 525-0127.

Submit Written Comments to: P.O. Box 47863, Olympia, 98504, fax (360) 586-4359, by August 30, 2000.

Date of Intended Adoption: September 8, 2000.

June 22, 2000
D. H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-869-220 Patient ((information)) counseling required. ((Except in those cases when the prescriber has advised that the patient is not to receive specified information regarding the medication:

(1) ~~In order to assure the proper utilization of the medication or device prescribed, with each new prescription dispensed by the pharmacist, in addition to labeling the prescription in accordance with the requirements of RCW 18.64.245 and WAC 246-869-210, the pharmacist must:~~

(a) ~~Orally explain to the patient or the patient's agent the directions for use and any additional information, in writing if necessary, for those prescriptions delivered inside the confines of the pharmacy; or~~

(b) ~~Explain by telephone or in writing for those prescriptions delivered outside the confines of the pharmacy.~~

(2) ~~In those instances where it is appropriate, when dispensing refill prescriptions, the pharmacist shall communicate with the patient or the patient's agent, by the procedure outlined in subsection (1)(a) or (b) of this section or the patient's physician regarding adverse effects, over or under utilization, or drug interaction with respect to the use of medications.~~

(3) ~~Subsections (1) and (2) of this section shall not apply to those prescriptions for inpatients in hospitals or institutions where the medication is to be administered by a nurse or other individual authorized to administer medications.~~

(4) ~~In the place of written statements regarding medications, the pharmacist may use abstracts of the Patient USP DI 1988 edition, or comparable information.)~~ The purpose of this counseling requirement is to educate the public in the use of drugs and devices dispensed upon a prescription.

(1) The pharmacist shall directly counsel the patient or patient's agent on the use of drugs or devices.

(2) For prescriptions delivered outside of the pharmacy, the pharmacist shall offer in writing, to provide direct counseling and information about the drug, including information on how to contact the pharmacist.

(3) For each patient, the pharmacist shall determine:

(a) The amount of counseling that will be necessary to promote safe administration of the medication; and

(b) The optimal therapeutic outcome for that patient from the prescription.

(4) This rule applies to all prescriptions except where a medication is to be administered by a licensed health professional authorized to administer medications.

WSR 00-16-109
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed August 2, 2000, 8:40 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 98-22-082.
Title of Rule: Expired license.

PROPOSED

Purpose: This rule stipulates that physicians whose licenses have expired more than three years must meet the current licensing requirements set by statute and rule.

Other Identifying Information: WAC 246-919-475.

Statutory Authority for Adoption: RCW 18.71.017.

Statute Being Implemented: RCW 18.71.050, 18.71.051, and [18.71.]080.

Summary: This rule-making proposal reestablishes language that was inadvertently deleted through a process to consolidate health care professions credentialing rules.

Reasons Supporting Proposal: The proposed rules reinstate language that ensures physicians petitioning for relicensure meet the current licensing standards. National standards, with which Washington state continues to concur, have become more rigorous in order to ensure physicians possess the knowledge necessary to practice medicine with reasonable skill and safety.

Name of Agency Personnel Responsible for Drafting: Susan Anthony, Licensing Manager, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4787; **Implementation:** Beverly Teeter, Health Administrator, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4788; and **Enforcement:** Bonnie King, Executive Director, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4789.

Name of Proponent: [Department of Health], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule-making proposal reestablishes language that was inadvertently deleted through a process to consolidate health care professions credentialing rules. These rules stipulate that physicians whose licenses have been expired longer than three years must meet the current licensing requirements set by statute and rule. Reestablishing this rule would significantly reduce potential patient harm resulting from substandard medical care that could be provided by practitioners who do not meet the minimum national standard. In addition, with definitive criteria in place, the public can be assured the commission has taken every available step to evaluate physician's medical knowledge and has granted credentials only to those individuals who can demonstrate acceptable levels of knowledge, education, and training.

Proposal Changes the Following Existing Rules: It reinstates criteria inadvertently deleted in a previous rule-making process.

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

Small Business Economic Impact Statement

I. Background: During the process of consolidating all health care professions credentialing rules, a portion of the physician rules language was inadvertently deleted. That language stipulated physicians whose credentials have been expired longer than three years must meet the current licensing requirements. This ensures physicians petitioning for relicensure meet the national standards as mandated by state legislation.

II. Financial Impact on Regulated Parties:

Recordkeeping and Reporting: *There are no record-keeping or reporting requirements.*

Training and Education: *Some physicians requesting relicensure may need additional training or successful completion of a nationally standardized licensing examination in order to meet the current licensing requirements.*

New Equipment Requirements: *There will be no new equipment requirements.*

Inspections - Audits: *There will be no inspection or audit requirements.*

New Licenses/Fees: *There will be no new licenses activated. There will be no new or additional fees.*

Administration Expenses and Professional Services: *There will be no administration expenses or professional services required.*

Reduced Production: *There would be no reduced production as a result of this rule.*

Summary: *There have been instances of physicians who had been licensed in the past based on criteria that has become outdated (without post graduate training in the United States or Canada; or without having passed acceptable examinations), who have allowed their licenses to lapse and request reissuance of that license. There is no mechanism without these rules to ensure these physicians possess the knowledge necessary to safely practice medicine. There is potential for patient harm due to substandard care provided by individuals who do not meet the current minimum national standards. Without a minimum level of training or without a way to evaluate a physician's medical knowledge such as a national exam, there is no protection to health care consumers from unqualified practitioners.*

If a physician allows their credential to expire longer than three years, they must meet current licensing requirements.

III. Cost to DOH: *Aside from the initial rule processing costs, such as conducting the public rule-writing workshops, formal rules hearing and updating forms and notices, there will be no additional costs.*

Small Business Economic Impact Statement: Individual providers qualify as small businesses since less than fifty people are employed. Since most providers qualify as small businesses, there is no disproportionate impact to small businesses. When there is no disproportionate impact, mitigation is not necessary.

All licensed practitioners are governed under RCW 18.130.180.

Public involvement has been solicited from interested party lists and from licensees via an article in the Medical Quality Assurance Commission UPDATE! publication. In addition, two public rule-writing workshops were held, one on November 3, 1998, in Spokane and one on November 5, 1998, in SeaTac.

Opportunity for written and oral comments will also be provided during the formal public rules hearing to be held September 29, 2000.

A copy of the statement may be obtained by writing to Susan Anthony, Licensing Manager, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4787, fax (360) 586-4573.

RCW 34.05.328 applies to this rule adoption. This rule describes standards for reinstatement of an expired license.

Hearing Location: 1101 Eastside Street, Olympia, WA 98504, on September 29, 2000, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Anthony, Licensing Manager, by September 22, 2000, TDD 1-800-525-0127, or (360) 236-4053.

Submit Written Comments to: Susan Anthony, fax (360) 586-4573, by September 22, 2000.

Date of Intended Adoption: September 29, 2000.

July 20, 2000

Bonnie King

Executive Director

NEW SECTION

WAC 246-919-475 Expired license. (1) If the license has expired for three years or less the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for over three years, the practitioner must:

(a) Reapply for licensing under current requirements as stipulated in RCW 18.71.050 (1)(b) and WAC 246-919-330; and

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

WSR 00-16-114

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Child Support)

[Filed August 2, 2000, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-06-039.

Title of Rule: Chapter 388-14A WAC, Division of Child Support rules.

PART A - GENERAL INFORMATION ABOUT THE DIVISION OF CHILD SUPPORT, WAC 388-14A-1000 The Division of Child Support is the Title IV-D child support enforcement agency for the state of Washington, 388-14A-1005 What is Washington's state plan under Title IV-D?, 388-14A-1010 What are the other names that the Division of Child Support has used?, 388-14A-1015 What laws apply to the Division of Child Support?, 388-14A-1020 What definitions apply to the rules regarding child support enforcement?, 388-14A-1025 What are the responsibilities of the Division of Child Support?, 388-14A-1030 What kinds of services can the Division of Child Support provide?, 388-14A-1035 What kinds of locate services does the Division of Child Support provide?,

388-14A-1040 What must a request for locate services contain?, 388-14A-1045 How does the Division of Child Support handle a request for locate services?, 388-14A-1050 The Division of Child Support cooperates with other states for support enforcement purposes, 388-14A-1055 Can the Division of Child Support collect support owed or assigned to another state?, and 388-14A-1060 The Division of Child Support cooperates with courts and law enforcement.

PART B - BASIC RULES FOR CHILD SUPPORT CASES,

WAC 388-14A-2000 Who can receive child support enforcement services from the division of child support?, 388-14A-2005 Does an application for public assistance automatically become an application for support enforcement services?, 388-14A-2010 Can I apply for support enforcement services if I do not receive public assistance?, 388-14A-2015 Do I have to be a resident of Washington state to apply for DCS services?, 388-14A-2020 What happens if the division of child support denies my application for support enforcement services?, 388-14A-2025 What services does the Division of Child Support provide for a nonassistance support enforcement case?, 388-14A-2030 Do I assign my rights to support when I apply for child support enforcement services?, 388-14A-2035 Do I assign my rights to support when I receive public assistance?, 388-14A-2036 What does assigning my rights to support mean?, 388-14A-2037 What are permanently assigned arrears?, 388-14A-2038 What are temporarily assigned arrears?, 388-14A-2040 Do I have to cooperate with the Division of Child Support in establishing or enforcing child support?, 388-14A-2041 What happens if I don't cooperate with DCS?, 388-14A-2045 What can I do if I fear that cooperating with the division of child support will be harmful to me or to my children?, 388-14A-2050 Who decides if I have good cause not to cooperate?, 388-14A-2060 Are there different kinds of good cause?, 388-14A-2065 Does the Division of Child Support provide support enforcement services if the CSO determines I have "Good Cause Level A"?, 388-14A-2070 Does the Division of Child Support provide support enforcement services if the CSO determines I have "Good Cause Level B"?, 388-14A-2075 What happens if the Division of Child Support determines that I am not cooperating?, 388-14A-2080 Once a support enforcement case is opened, under what circumstances can it be closed?, 388-14A-2085 Under what circumstances may DCS deny a request to close a support enforcement case?, 388-14A-2090 Who is mailed notice of DCS' intent to close a case?, 388-14A-2095 What if I don't agree with the case closure notice?, 388-14A-2091 What happens to payments that come in after a case is closed?, 388-14A-2099 When does DCS file a satisfaction of judgment with the superior court?, 388-14A-2105 Does the Division of Child Support keep information about me confidential?, 388-14A-2110 How do I find out the address of my children, or the other parent of my children?, 388-14A-2115 What are the requirements for making an address disclosure request?, 388-14A-2120 What happens at a hearing on an objection to disclosure of my address?, 388-14A-2125 How do I give DCS permission to give my address to the other parent without going through the notice procedures of WAC 388-14A-2115?, 388-14A-2150 How much does it cost to get copies of DCS records?, 388-14A-2155 Can I appeal a denial of public disclosure by the Division of

PROPOSED

Child Support?, and 388-14A-2160 If my information is confidential, can DCS report me to a credit bureau?

PART C - HOW THE DIVISION OF CHILD SUPPORT DECIDES HOW MUCH CHILD SUPPORT SOMEONE SHOULD PAY, (NOTE: The rules for establishing administrative support orders have been filed and will be effective October 1, 2000. They are found in WAC 388-14A-3100, 388-14A-3102, 388-14A-3105, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3125, 388-14A-3130, 388-14A-3131, 388-14A-3132, 388-14A-3133, 388-14A-3135, 388-14A-3140, 388-14A-3200, and 388-14A-3205. The rules for establishing temporary administrative support orders were effective May 19, 2000: They are found in WAC 388-14A-3850, 388-14A-3855, 388-14A-3860, 388-14A-3865, 388-14A-3870, and 388-14A-3875. WAC 388-14A-3275 The Division of Child Support may amend a notice at any time before a final administrative order is entered, 388-14A-3300 How does the Division of Child Support require me to make my support payments to the Washington state support registry when my support order says to pay someone else?, 388-14A-3304 The Division of Child Support serves a notice of support debt when it is enforcing a court order or foreign administrative order for support, 388-14A-3310 The Division of Child Support serves a notice of support owed to establish a fixed dollar amount under an existing child support order, 388-14A-3315 When DCS serves a notice of support debt or notice of support owed, we notify the custodial parent and/or the payee under the order, 388-14A-3320 What happens at a hearing on a notice of support debt or notice of support owed?, 388-14A-3350 Are there any limits on how much back support the Division of Child Support can seek to establish?, 388-14A-3370 What defenses to liability are available to a noncustodial parent when DCS seeks to enforce a support obligation?, 388-14A-3375 What kinds of credits does the Division of Child Support give when establishing or enforcing an administrative support order?, 388-14A-3400 Are there limitations on how much of my income is available for child support?, 388-14A-3500 A person must show good cause for filing a late request for hearing on a support notice, 388-14A-3600 The parties may resolve any child support case by entering a consent order or an agreed settlement, 388-14A-3700 When is it appropriate to vacate a default order?, 388-14A-3800 Once a support order is entered, can it be changed?, 388-14A-3810 Once a child support order is entered how long does the support obligation last?, 388-14A-3900 Can DCS review my support order to see if it should be modified?, and 388-14A-3925 How do I modify my administrative support order?

PART D - HOW WE ENFORCE CHILD SUPPORT OBLIGATIONS, WAC 388-14A-4000 When can the Division of Child Support take collection action against a noncustodial parent?, 388-14A-4010 Can I make the Division of Child Support stop collection action against me?, 388-14A-4020 What collection tools does the Division of Child Support use?, 388-14A-4030 How can the Division of Child Support collect child support from my wages or other income source?, 388-14A-4040 DCS can serve some collection actions by electronic service, 388-14A-4100 Can the Division of Child Support make me provide health insurance for my children?, 388-14A-4110 If my support order requires me to provide

health insurance for my children, what do I have to do?, 388-14A-4115 Can my support order reduce my support obligation if I pay for health insurance?, 388-14A-4120 DCS serves a notice of enrollment to enforce an obligation to provide health insurance coverage, 388-14A-4130 What must an employer or union who receives a notice of enrollment do?, 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children?, 388-14A-4300 What can I do if I think I'm paying more than the custodial parent is spending for daycare for my child?, 388-14A-4500 What is the Division of Child Support's license suspension program?, 388-14A-4505 The notice of noncompliance and intent to suspend licenses, 388-14A-4510 Who is subject to the DCS license suspension program?, 388-14A-4515 How do I avoid having my license suspended for failure to pay child support?, 388-14A-4520 Signing a repayment agreement will avoid certification for noncompliance, 388-14A-4525 How to obtain a release of certification for noncompliance, 388-14A-4530 Administrative hearings regarding license suspension are limited in scope, 388-14A-4600 What is the division of child support's DCS most wanted internet site?, 388-14A-4605 Whose picture can go on the Division of Child Support's DCS most wanted internet site?, 388-14A-4610 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?, 388-14A-4615 When does DCS remove a noncustodial parent from the DCS most wanted internet site?, and 388-14A-4620 What information does the Division of Child Support post to the DCS most wanted internet site?

PART E - DISTRIBUTION OF CHILD SUPPORT PAYMENTS, WAC 388-14A-5000 How does the Division of Child Support distribute support payments?, 388-14A-5050 When does DCS send a notice of intent to distribute support money?, 388-14A-5100 What kind of distribution notice does the Division of Child Support send?, 388-14A-5200 What is a "total versus total" notice?, 388-14A-5300 How does the Division of Child Support recover a support payment which has already been distributed?, 388-14A-5400 How does the Division of Child Support tell the custodial parent when they adjust the amount of debt owed on the case?, 388-14A-5500 How does the Division of Child Support collect support debts owed by someone other than a noncustodial parent?, 388-14A-5505 DCS uses a notice of retained support debt to claim a debt owed by a custodial parent, 388-14A-5510 How does DCS serve a notice of retained support debt?, 388-14A-5515 What happens if I don't respond to a notice of retained support debt or request a hearing?, 388-14A-5520 What happens if I make a timely objection to a notice of retained support debt?, 388-14A-5525 What happens at the hearing on a notice of retained support debt?, 388-14A-5530 Can I request a late hearing on a notice of retained support debt?, 388-14A-5535 How does DCS collect a debt established on a notice of retained support debt?, and 388-14A-5540 Can I just acknowledge that I owe money to the Division of Child Support?

PART F - HEARINGS AND CONFERENCE BOARDS, WAC 388-14A-6000 Which statutes and regulations govern the Division of Child Support's hearing process?, 388-14A-6100 The Division of Child Support accepts oral requests for hearing or conference board, 388-14-6200 What are my hearing

rights when the Division of Child Support takes collection action against my bank account?, 388-14A-6300 Duty of the administrative law judge in a hearing to determine the amount of a support obligation, 388-14A-6400 The Division of Child Support's grievance and dispute resolution method is called a conference board, 388-14A-6405 How to apply for a conference board, 388-14A-6410 Explanation of the conference board process, 388-14A-6415 Scope of authority of conference board chair defined, and 388-14A-6500 Can I use equitable estoppel as a defense in a hearing with the Division of Child Support?

PART G - INTERSTATE ISSUES, WAC 388-14A-7100 An order from another state may be registered in Washington for enforcement or modification, and 388-14A-7200 DCS can serve notices in another state under the Uniform Interstate Family Support Act.

PART H - MISCELLANEOUS PROVISIONS, WAC 388-14A-8100 Are there special rules for setting child support for children in foster care?, 388-14A-8105 Does the cost of care affect how much child support I pay when my child is in foster care?, 388-14A-8110 What happens to the money if current support is higher than the cost of care?, 388-14A-8120 Are there special rules for collection in foster care cases?, 388-14A-8200 All Washington employers must report new hires to the Washington state support registry, 388-14A-8300 Who pays for genetic testing when paternity is an issue?, 388-14A-8400 Does the Division of Child Support have the right to approve my child support order before the court enters it?, and 388-14A-8500 Can the Division of Child Support issue subpoenas?

Purpose: The Division of Child Support has reviewed its existing rules under the Governor's Executive Order 97-02; has repealed chapters 388-11, 388-13, and 388-14 WAC and replaced them with chapter 388-14A WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The Division of Child Support has reviewed all the rules in chapters 388-11, 388-13, and 388-14 WAC under the Governor's Executive Order 97-02. As part of the review, DCS intends to repeal those rules which are no longer needed, revise those which need to be revised for clarity and usability, and establish a new chapter of the WAC, chapter 388-14A WAC, which will put all of the rules relating to the Division of Child Support into one chapter. This will entail repealing the entirety of chapters 388-11, 388-13, and 388-14 WAC. Certain of DCS's rules have been adopted under Executive Order 97-02 and will be renumbered but not otherwise revised. Shown above is a list of rules indicating which rules are being repealed, and a list of the new rules in chapter 388-14A WAC.

Reasons Supporting Proposal: Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS Rules Coordinator, P.O. Box 9162, Olympia, WA 98507, (360) 664-5065.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment gathers together in one chapter all the rules for the Washington state child support enforcement program.

Proposal Changes the Following Existing Rules: Repeals existing chapters 388-11, 388-13, and 388-14 WAC and replaces them with new chapter 388-14A WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This change does not meet the requirements for a small business economic impact statement.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 (5)(b)(vii) exempts DSHS rules that only [apply] to client medical or financial eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October 10, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper by October 2, 2000, phone (360) 664-6094, TTY (360) 664-6178, e-mail CoopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6187, by October 10, 2000.

Date of Intended Adoption: October 11, 2000.

July 28, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-18 issue of the Register.

WSR 00-16-115

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 2, 2000, 9:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-07-092.

Title of Rule: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., applications for vehicle ownership, WAC 308-56A-010, 308-56A-015, 308-56A-020, 308-56A-023, and 308-56A-090.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.12.101.

Summary: Amending WAC 308-56A-010, 308-56A-020, 308-56A-021, and 308-56A-090; and repealing WAC 308-56A-015, 308-56A-022, and 308-56A-023.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; **Implementation:** Deborah McCurley, 1125 Wash-

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ington Street S.E., Olympia, 902-3754; and Enforcement: Eric Anderson, 1125 Washington Street S.E., Olympia, 902-4045.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The anticipated effects will be a clarification of the above-mentioned requirements.

Proposal Changes the Following Existing Rules: Clarify sections needed and repeal those no longer required.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.030 (1)(a). The proposed rule making does not impose more than a minor cost on businesses in an industry.

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on September 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by September 12, 2000, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by September 12, 2000.

Date of Intended Adoption: October 3, 2000.

August 2, 2000

Deborah McCurley, Administrator
Title and Registration Services

AMENDATORY SECTION (Amending WSR 98-12-099, filed 6/3/98, effective 7/4/98)

WAC 308-56A-010 Title purpose only and no title issued. ((The department may issue a certificate of ownership for a vehicle without a certificate of registration for:

(1) Vehicles required to display valid vehicle number license plates prior to operating on the public highway pursuant to chapter 46.16 RCW;

(2) Farm tractors or farm equipment;

(3) Off-road vehicles (ORV) whether or not required to obtain an ORV use permit;

(4) Golf carts and dune buggies whether or not equipped for legal highway use;

(5) Off highway equipment that may be moved upon public highways by special permits.)) **(1) May I obtain a certificate of ownership for my vehicle even if I do not want or need to register it?** You may obtain a certificate of ownership for your vehicle without a certificate of registration for:

(a) Vehicles which are normally registered under chapter 46.16 RCW but will not be operated on the public highways;

(b) Farm tractors or farm equipment as defined in RCW 46.04.180 and 46.04.181;

(c) Off-road vehicles (ORV) as defined in RCW 46.09.020 whether or not required to obtain an ORV use permit;

(d) Golf carts and dune buggies whether or not equipped for legal highway use;

(e) Off highway equipment that may be moved upon public highways under authority of special permits.

(2) If I obtain a certificate of ownership for title purpose only (TPO), may I register my vehicle at a later date? Your vehicle may be registered for use on the public highways in accordance with chapter 46.16 RCW.

(3) May I register my vehicle without obtaining a certificate of ownership? Your vehicle may be registered when certain conditions prevent a Washington certificate of ownership from being issued, such as:

(a) A secured party will not surrender an out-of-state certificate of ownership; or

(b) Registration is required in Washington state and certificate of ownership and registration are required by another state.

(c) Ownership in doubt (registration only) under WAC 308-56A-210.

(d) Registration of a snowmobile under chapter 46.09 RCW.

AMENDATORY SECTION (Amending WSR 98-12-099, filed 6/3/98, effective 7/4/98)

WAC 308-56A-020 Application for ((title)) certificate of ownership required. ((An application for certificate of ownership is required when:

(1) A person purchases a new vehicle;

(2) There is a change of ownership due to:

(a) Sale;

(b) Gift;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of a registered owner;

(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;

(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;

(h) Court order; or

(i) Repossession.

(3) There is a name change of:

(a) The registered owner;

(b) The lienholder; or

(e) A business entity as shown on the current certificate of ownership.

(4) There is no change in the registered owner of the vehicle but the title needs to be reissued because:

(a) A lien has been satisfied and the lienholder's name needs to be removed;

(b) A lienholder's name needs to be added. If a secondary lienholder is being added, the address of only the primary lienholder will be recorded;

(e) There is a change in lienholders;

~~(d) The vehicle is assembled or has had a glider kit installed;~~

~~(e) The vehicle is a motoreycle and the engine has been replaced;~~

~~(f) There has been a structural change, as defined in WAC 308-56A-150 (1)(e), in the vehicle, other than changing the bed of a truck; or~~

~~(g) The vehicle identification number needs to be corrected. (5) The vehicle has been reported destroyed by an insurance company. Title procedures are in WAC 308-56A-460.~~

~~(6) The vehicle has been reported destroyed by the owner, or a wrecker and is subsequently sold and licensed.))~~

When is an application for certificate of ownership required? In addition to the requirements set forth in chapter 46.12 and 46.16 RCW an application for certificate of ownership is required when:

(1) A person purchases a vehicle requiring registration or titling in Washington and:

(a) You apply for vehicle registration on a vehicle that has not been previously in this state;

(b) You apply for vehicle registration for a vehicle which has most recently been titled and/or registered in another jurisdiction and registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

(2) There is a change of vehicle ownership on a Washington certificate of ownership due to:

(a) Sale;

(b) Gift-donation;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of a registered owner;

(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;

(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;

(h) Court order;

(i) Repossession;

(j) Transferring vehicle to a trust; or

(k) Adding/removing a lease on a vehicle.

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

(4) There is no change in the registered owner of the vehicle but the certificate of ownership needs to be reissued because:

(a) A lienholder's name needs to be added. If a secondary lienholder is being added, the address of only the primary lienholder will be recorded;

(b) The vehicle is assembled, has had a glider kit installed or is a street rod;

(c) The vehicle engine has been replaced (motorcycles only);

(d) There has been a structural change, as defined in WAC 308-56A-150 (1)(e), in the vehicle, other than changing the bed of a truck; or

(e) The vehicle identification number needs to be corrected.

(5) The vehicle has been reported destroyed by an insurance company. Title procedures are in WAC 308-56A-460.

(6) The vehicle has been reported destroyed by the owner or a wrecker and is subsequently sold and licensed.

(7) The most recent Washington certificate of ownership has been lost, destroyed, or mutilated and a replacement is desired.

AMENDATORY SECTION (Amending WSR 98-12-099, filed 6/3/98, effective 7/4/98)

WAC 308-56A-021 Assessment criteria for penalty fee. ((1) Penalty fees are assessed beginning on the 16th day from the date of sale as shown on the certificate of ownership, except when:

(a) There is a court order awarding ownership in the vehicle, the department uses the effective date of the court order;

(b) The vehicle was delivered after the date indicated on the supporting documents;

(c) There are conflicting dates on supporting documents;

(d) There is no date on the certificate of ownership or other supporting documents; or

(e) The date on the certificate of ownership has been altered.

(2) Subsection (1)(a) through (e) of this section require the applicant to sign an affidavit attesting to the actual date of delivery.)) (1) **Are there exceptions to a penalty fee being assessed for late application for certificate of ownership beginning on the 16th day from the date of sale as described in RCW 46.12.101(6)?** Yes, if:

(a) The vehicle was received by the purchaser after the date of sale indicated on the supporting documents;

(b) There are conflicting dates on supporting documents;

(c) There is no date on the certificate of ownership or other supporting documents;

(d) The date on the certificate of ownership has been altered;

(e) The purchaser is incarcerated or sequestered by a judiciary system;

(f) The purchaser files a seller's report of sale thinking they have filed an application to transfer certificate of ownership;

(g) A purchaser fails to transfer ownership prior to selling the vehicle and the applicant can prove they have purchased the vehicle within fifteen days of making application; or

(h) The director determines other reasons are valid. Subsection (2)(a) through (h) of this section require the applicant to sign an affidavit attesting to the actual date of delivery.

(2) When are penalty fees for late application for certificate of ownership not assessed? Penalty fees are not assessed for late application for certificate of ownership under the following conditions:

(a) The vehicle is not motorized;

(b) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed);

(c) A Washington record cannot be found;

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(d) Department of licensing records indicate the vehicle has been destroyed;

(e) The vehicle is being titled as home made or assembled for the first time;

(f) The vehicle is acquired as a result of:

(i) Inheritance or community property;

(ii) Divorce settlement;

(iii) Other legal action affecting ownership of the vehicle;

(g) The vehicle is a snowmobile; or

(h) The director determines other reasons are valid.

AMENDATORY SECTION (Amending WSR 98-12-099, filed 6/3/98, effective 7/4/98)

WAC 308-56A-090 Disclosure of individual vehicle owner (~~names and addresses~~) information. (~~Any business entity requesting the name or address of a vehicle owner pursuant to RCW 46.12.380 shall submit a completed form provided by the department and furnish verification of its identity as a business entity. For purposes of this section, acceptable verification includes:~~

~~(1) Licensed Washington businesses shall provide a copy of their current Washington master business license; or~~

~~(2) Businesses not required to be licensed in this state shall provide their Federal Employer Identification Number on their official letterhead with a notarized signature of the owner or their authorized representative; or~~

~~(3) Out-of-state businesses not licensed in Washington shall provide:~~

~~(a) A copy of their current business license issued by the out-of-state jurisdiction where the business entity is authorized to do business; or~~

~~(b) Their Federal Employer Identification Number on their official letterhead with a notarized signature of the owner or their authorized representative.~~

~~(4) In addition to the requirements in subsections (1), (2) and (3) of this section:~~

~~(a) An attorney shall also provide a copy of their bar card; and~~

~~(b) A private investigator shall also provide a copy of their private investigator's license.~~

~~(5) A business entity which has entered into a written agreement with the department need not provide a separate written request for each inquiry.))~~ **(1) What vehicle record information is protected under chapters 42.17 and 46.12 RCW? Information protected under chapters 42.17 and 46.12 RCW includes:**

(a) Name and address information;

(b) Social Security numbers;

(c) Medical or disability information;

(d) Telephone numbers.

(2) Who may obtain vehicle owner information on individual vehicle records? The following may obtain vehicle owner information:

(a) Individuals:

(i) For vehicles currently registered in their name; or

(ii) For vehicles they can provide a bill of sale or document indicating that they purchased the vehicle; and

(iii) Provide personal identification.

(b) Businesses;

(c) Private investigators;

(d) Attorneys; and

(e) Government agencies.

(3) What information may be disclosed about a vehicle? The following information may be disclosed:

(a) To individuals:

(i) Odometer history;

(ii) Total number of previous owners;

(iii) Foreign titles issued; and

(iv) Insurance destroyed in or reported to Washington.

(b) To businesses, private investigators, attorneys, and government agencies, information relating to their course of business.

(4) What needs to be provided to the department in order to obtain vehicle information? To obtain vehicle information:

(a) Individuals are required to submit their request to the department.

(b) Washington businesses must provide:

(i) A completed form provided by the department; and

(ii) A copy of their current Washington master business license for Washington licensed businesses; or

(iii) Their Federal Employer Identification Number on their official letterhead with a notarized signature of the owner or their authorized representative for businesses not required to be licensed in Washington.

(c) Out-of-state businesses must provide a completed form provided by the department; and

(i) A copy of their current business license issued by the foreign jurisdiction where the business is authorized to do business; or

(ii) Their Federal Employer Identification Number on official letterhead with a notarized signature of the owner or their authorized representative for the foreign business not licensed in the foreign jurisdiction.

(d) Private investigators must provide a completed form provided by the department and a copy of their private investigator's license.

(e) Attorneys must provide a completed form provided by the department and a copy of their bar card or business license.

(5) Does a business need to supply a new form and copy of the business license each time vehicle information is requested? Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless a contract exists between the business and the department.

(6) Are businesses allowed individual owner information on vehicle records? Yes, if a business qualifies under RCW 46.12.380 and 18.USC 27.21, (commonly known as Driver Privacy Protection Act) they may receive individual vehicle owner information.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-56A-015	No title issued.
WAC 308-56A-022	Conditions under which penalty fees are not assessed.
WAC 308-56A-023	Conditions under which penalty fees may be waived.

WSR 00-16-125
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed August 2, 2000, 10:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-12-088.

Title of Rule: Prescription drug benefits.

Purpose: Section 26, chapter 79, Laws of 2000, requires a minimum pharmacy benefit, these rules will increase the understanding of the consumer regarding that pharmacy benefit by establishing a common terminology and method of explaining the benefit.

Other Identifying Information: Insurance Commissioner Matter No. R 2000-04.

Statutory Authority for Adoption: RCW 48.02.060, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.200, and section 26, chapter 79, Laws of 2000.

Statute Being Implemented: RCW 48.30.040, 48.44.110, 48.46.400.

Summary: These proposed rules will simplify pharmacy benefit descriptions used in advertising by establishing definitions for terms commonly used to describe these benefits.

Reasons Supporting Proposal: Section 26, chapter 79, Laws of 2000, requires that certain health benefit plans include "prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually." This provision is unclear as to the scope of these benefits and method of disclosure to enrollees. Rules are necessary to clarify these areas.

Name of Agency Personnel Responsible for Drafting and Implementation: Bill Hagens, P.O. Box 40255, Olympia, WA 98504, (360) 586-5597; and Enforcement: Jeffrey Coopersmith, P.O. Box 40259, Olympia, WA 98504, (360) 407-0734.

Name of Proponent: Insurance Commissioner, Deborah Senn, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Consumers, providers and insurers have all been frustrated with the advertising of pharmacy or prescription drug benefits. The current confusion caused by the advertising of pharmacy benefits has led to numerous consumer complaints to the commissioner. These proposed rules would increase the consumer's ability to understand what the advertised benefits mean in terms of what benefit is provided by a plan.

The terms and definitions used by health plans in describing their pharmacy benefits have been the subject of complaints to the commissioner. Consumers and providers of pharmacy services have been confused about a variety of carrier terms. Terms are used interchangeably throughout the industry but they may be defined or used to mean many different things. These proposed rules will simplify pharmacy benefit descriptions used in advertising by establishing definitions for terms commonly used to describe these benefits. This would improve the consumer's ability to understand the benefits provided by a plan and compare those benefits to benefits provided by other plans. The rules do not mandate a pharmacy benefit or regulate the provisions of a benefit that a plan may include. These proposed rules focus on the advertising of a pharmacy benefit if such a benefit is included and is advertised. These proposed rules would help prevent the possibility of an issuer knowingly or unknowingly using false, misleading or deceptive advertising of a pharmacy benefit.

Proposal Changes the Following Existing Rules: WAC 284-43-130 is amended to include definitions used in the body of the rule.

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

Small Business Economic Impact Statement

Introduction: This report analyzes a proposal regarding the "prescription drug" or "pharmacy" benefits in health plans. This evaluation is completed to demonstrate that the proposed changes improve the rules without imposing disproportionate costs on small businesses.

Much of the substance of the rule has been proposed in a previous rule making, R 98-7. That process included multiple meetings of a work group over the course of several months and a rule-making hearing. This rule making is capitalizing on the hard work of the work group and the knowledge gained in the previous rule making.

Background: In June of this year, the commissioner decided to revive an earlier rule proposal, R 98-7, which was never adopted. The proposal that is being filed works from the ending point of the earlier process. The CR-101 for this rule-making was filed on June 21, 2000, and sent to industry and all interested parties.

The proposed rules aid in clarifying an existing regulation, WAC 284-50-010/284-50-230. The regulation was adopted in 1973 and establishes a framework for regulating the advertisement of health insurance. Consumers, state agencies, providers, and insurers alike have struggled with the terminology surrounding health care. Different meanings are used [using] the same term used by different parties. Consumers were confused by what the policy was supposed to offer and what it actually did provide. The commissioner received numerous complaints in this area from the public. The commissioner decided to review the rules in this area as a part of the regulatory improvement process and see if consumers could be better served.

The commissioner established a working group composed of health care service contractors, health maintenance organizations, providers, advocacy organizations, interested

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state agencies, and consumers. This group held public meetings once a month and discussed how the consumers could better understand exactly what benefits the product being advertised actually contains. The rules do not mandate or prescribe benefits but merely try to bring some certainty and standards to the advertising of pharmacy benefits to better inform consumers and avoid potentially false or misleading advertising. Many ideas were discussed. The proposed rules are a result of the refinement of ideas over time by a diverse group of concerned parties.

The proposed changes should clarify existing requirements and insurers should find it easier to comply with the processes. The existing regulatory scheme will be strengthened, clarified, and streamlined.

Federal and Other State Law: This rule does not conflict with any other federal or state law.

Industry Codes: These proposed rules will apply to health insurance policies sold in the state of Washington that have advertised their pharmacy benefit. The proposed rules will affect Hospital and Medical Plans (industry code #6324) and health plans offered by Accident and Health Insurers, (industry code #6321).

Probable Costs: The proposed rules may impose some costs on the regulated industry. The information requested is already widely available from the issuers in various forms but there will be some cost for the issuers to ensure that information [in] the plans that provide pharmacy benefits meet the requirements of these rules.

Additional costs could be incurred by adding a listed phone number in the required materials that would allow consumers to ask the issuer about the pharmacy benefits. Industry members already have staff time dedicated to answering consumer questions; this phone number will enable consumers to go directly to an employee who can address their issues. Any increase in staff time due to additional calls will lead to better informed consumers. This will take on a preventative role by avoiding possible conflicts or grievances by consumers at later stages and should save money for the issuers. The line should have a nominal cost to the issuers if a new line needs to be added or an existing line is rerouted for the purposes of this rule.

There are no additional reporting requirements associated with these rules. As with any printed piece of advertising, the insurers would have to maintain the records of the advertisement (WAC 284-50-200). The information created for these rules is generally provided in some amount in some fashion currently, any new materials will replace existing materials. There may be some additional cost in maintaining records though.

Small Business Impact: The proposed rules do not impose a disproportionately higher economic burden on small business within the four-digit classifications. It is probable that small businesses will have an easier time and have a smaller economic burden in complying than larger businesses. A document must be created that details the pharmacy benefit of the plan that is advertised. Smaller businesses have fewer plans and will require less time to review their plan(s), create the documents to comply, and fulfill any administrative, record-keeping or organizational require-

ments necessary to comply. The more numerous plans offered the greater the amount of time may be necessary to review the plans to ensure compliance.

Mitigation: In the current proposal, the commissioner retained the mitigatory measures that were incorporated in the text in the earlier rule making. Those measures are described below. The rules also are delayed to allow ample time for carriers to use existing stocks of materials and develop new complying materials. The commissioner will consider additional mitigatory measures that are proposed in the rule making.

Mitigation to reduce the economic impact of the proposed rules on small business was considered and acted upon in R 98-7. The commissioner worked with representatives of the industry to limit costs as much as possible while retaining the efficacy of the rules. The work group sought to craft language that would ensure that an issuer would not have to make available these materials in combination with every advertisement. Instead, the materials need only be presented one time.

The content of the rules evolved with the participation of members of industry. The questions were developed in the work group meetings and enabled mitigatory steps to be taken early on in the process. The questions that are asked were developed to present the most useful information in the least costly manner. Some questions that were proposed in the work group meetings were altered because it would be too costly or time-consuming for carriers to develop the responses. One such question would have required the issuer to total the number of network pharmacies. It was believed that this number was too fluid to be detailed - pharmacies join and drop frequently and any list would quickly be dated. The requirement was dropped rather than forcing carriers to update their materials on an irregular but frequent basis. Another mitigatory method is in the text in the rule that explains how the questions can be answered. The carriers can provide more or less specific answers depending on how detailed they choose to be. Carriers in the work group developed sample answers and directions allowing flexibility in answering the questions are included in the rule.

These mitigatory measures should reduce costs on all businesses, particularly small businesses.

One suggestion to mitigate costs that was rejected by industry was to allow the issuer to use a "code word" or standardized term to describe their pharmacy benefit instead of providing answers to the required questions. The term would have provided the consumer with a quick general standard. Such a system could save industry much of the time and money in developing materials but it was believed by industry that it would not serve their purposes or the consumers as well as the additional detail required in the rules.

Industry Involvement: As noted earlier, these rules have previously been considered in a rule making (R 98-7). The industry had considerable input into that process. The currently proposed rules are very similar in substance to the rules that went to hearing in R 98-7. The current proposal has the advantage of building on the previous work and contributions of industry and the workgroup. The CR-101 for the current rule making was sent to all impacted carriers and com-

ments were solicited at that time and are welcome throughout the rule-making process.

In the previous rule making, a work group including industry members met four times and developed the framework for the rules. A mailing list was created prior to the establishment of the work group and all parties on that list were kept apprised of all meetings and activities. Any party that asked to be on that mailing list was welcome and the list grew to approximately sixty parties. Several members of industry were active participants in the work group, others choose to be apprised via the mailing list. Industry associations were also on the mailing list to enable industry to be represented in that fashion also.

All ideas were considered and the work group decided that these concepts would be the most beneficial. Proposed draft language was reviewed and critiqued by the group. Members of the regulated industry suggested many of the concepts and much of the language and changes to earlier drafts of the language.

Conclusion: The current proposal builds on the earlier contributions, comments, and involvement of industry, the working group, and other interested parties. These rules should not have a disproportionate impact on small businesses. Costs and administrative concerns should be proportionate to the size of the business or may even be greater for the larger businesses. The information is similar to information that carriers currently make available in some form to consumers, but it will be presented in terms and in a method to make it more understandable and useful to the consumer.

A copy of the statement may be obtained by writing to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail <mailto:Kacyb@oic.wa.gov>, phone (360) 664-3784, fax (360) 664-2782.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption.

Hearing Location: 14th and Water, John A. Cherberg Building, Senate Hearing Room 2, Olympia, Washington, on September 13, 2000, at 2:00.

Assistance for Persons with Disabilities: Contact Lori Villaflores by September 12, 2000, TDD (360) 407-0409.

Submit Written Comments to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, fax (360) 664-2782, by September 12, 2000.

Date of Intended Adoption: September 14, 2000.

August 1, 2000

Robert A. Harkins

Chief Deputy Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 98-7, filed 9/8/99, effective 10/9/99)

WAC 284-43-130 Definitions. Except as defined in other subchapters and unless the context requires otherwise, the following definitions shall apply throughout this chapter.

(1) "Covered health condition" means any disease, illness, injury or condition of health risk covered according to the terms of any health plan.

(2) "Covered person" means an individual covered by a health plan including an enrollee, subscriber, policyholder, or beneficiary of a group plan.

(3) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(4) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(5) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(6) "Facility" means an institution providing health care services, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory, and imaging centers, and rehabilitation and other therapeutic settings.

(7) "Formulary" means a listing that identifies the drugs approved for use in a health plan.

(8) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding:

(a) Denial of health care services or payment for health care services; or

(b) Issues other than health care services or payment for health care services including dissatisfaction with health care services, delays in obtaining health care services, conflicts with carrier staff or providers, and dissatisfaction with carrier practices or actions unrelated to health care services.

~~((8))~~ (9) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((9))~~ (10) "Health care service" or "health service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((10))~~ (11) "Health carrier" or "carrier" means a disability insurance company regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, and a health maintenance organization as defined in RCW 48.46.020.

~~((11))~~ (12) "Health plan" or "plan" means any individual or group policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

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(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

~~((12))~~ (13) "Managed care plan" means a health plan that coordinates the provision of covered health care services to a covered person through the use of a primary care provider and a network.

~~((13))~~ (14) "Medically necessary" or "medical necessity" in regard to mental health services and pharmacy services is a carrier determination as to whether a health service is a covered benefit if the service is consistent with generally recognized standards within a relevant health profession.

~~((14))~~ (15) "Mental health provider" means a health care provider or a health care facility authorized by state law to provide mental health services.

~~((15))~~ (16) "Mental health services" means in-patient or out-patient treatment, partial hospitalization or out-patient treatment to manage or ameliorate the effects of a mental disorder listed in the *Diagnostic and Statistical Manual (DSM) IV* published by the American Psychiatric Association, excluding diagnoses and treatments for substance abuse, 291.0 through 292.9 and 303.0 through 305.9.

~~((16))~~ (17) "Network" means the group of participating providers and facilities providing health care services to a particular health plan. A health plan network for carriers offering more than one health plan may be smaller in number than the total number of participating providers and facilities for all plans offered by the carrier.

~~((17))~~ (18) "Out-patient therapeutic visit" or "out-patient visit" means a clinical treatment session with a mental health provider of a duration consistent with relevant professional standards used by the carrier to determine medical necessity for the particular service being rendered, as defined in *Physicians Current Procedural Terminology*, published by the American Medical Association.

~~((18))~~ (19) "Participating provider" and "participating facility" means a facility or provider who, under a contract with the health carrier or with the carrier's contractor or sub-contractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other

than coinsurance, copayments, or deductibles, from the health carrier rather than from the covered person.

~~((19))~~ (20) "Person" means an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

~~((20))~~ (21) "Pharmacy services" means the practice of pharmacy as defined in chapter 18.64 RCW and includes any drugs or devices as defined in chapter 18.64 RCW.

(22) "Primary care provider" means a participating provider who supervises, coordinates, or provides initial care or continuing care to a covered person, and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

~~((21))~~ (23) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((22))~~ (24) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((23))~~ (25) "Small group" means a health plan issued to a small employer as defined under RCW 48.43.005(24) comprising from one to fifty eligible employees.

(26) "Substitute drug" means a therapeutically equivalent substance as defined in chapter 69.41 RCW.

(27) "Supplementary pharmacy services" or "other pharmacy services" means pharmacy services involving the provision of drug therapy management and other services not required under state and federal law but that may be rendered in connection with dispensing, or that may be used in disease prevention or disease management.

NEW SECTION

WAC 284-43-815 Coverage for pharmacy services.

(1) The commissioner may disapprove any contract issued or renewed after July 1, 2001, that includes coverage for pharmacy services if it does not include the following statement:

YOUR RIGHT TO SAFE AND EFFECTIVE PHARMACY SERVICES

State and federal laws establish standards to assure safe and effective pharmacy services, and to guarantee your right to know what drugs are covered under this plan and what coverage limitations are in your contract. If you would like more information about the drug coverage policies under this plan, or if you have a question or a concern about your pharmacy benefit, please contact us (the health carrier) at 1-800-??-???

If you would like to know more about your rights under the law, or if you think anything you received from this plan may not conform to the terms of your contract, you may contact the Washington State Office of Insurance Commissioner at 1-

800-562-6900. If you have a concern about the pharmacists or pharmacies serving you, please call the State Department of Health at 360-???-????.

(2) The commissioner may disapprove any contract issued or renewed after July 1, 2001, that includes coverage for pharmacy services if it does not pose and respond in writing to the following questions in language that complies with WAC 284-50-010 through 284-50-230 accompanying an invitation to contract which is presented to each prospective enrollee prior to enrollment:

(a) **"Does this plan limit or exclude certain drugs my health care provider may prescribe, or encourage substitutions for some drugs?"** The response must describe the process for developing coverage standards and formularies, including the principal criteria by which drugs are selected for inclusion, exclusion, restriction or limitation. If a determination of medical necessity is used, that term must be briefly defined here. Coverage standards involving the use of substitute drugs, whether generic or therapeutic, are either an exception, reduction or limitation and must be discussed here. Major categories of drugs excluded, limited or reduced from coverage may be included in this response.

(b) **"When can my plan change the approved drug list (formulary)? If a change occurs, will I have to pay more to use a drug I had been using?"** The response must identify the process of changing formularies and coverage standards, including changes in the use of substitute drugs. If the plan gives prior notice of these changes or has provisions for "grandfathering" certain ongoing prescriptions, these practices may be discussed here.

(c) **"What should I do if I want a change from limitations, exclusions, substitutions or cost increases for drugs specified in this plan?"** The response must include a phone number to call with a request for a change in coverage decisions, and must discuss the process and criteria by which such a change may be granted. The response may refer to the appeals or grievance process without describing that process in detail here. The response must state the time within which requests for changes will be acted upon in normal circumstances and in circumstances where an emergency medical condition exists.

(d) **"How much do I have to pay to get a prescription filled?"** The response must list enrollee point-of-service cost-sharing dollar amounts or percentages for all coverage categories including at least name brand drugs, substitute drugs and any drugs which may be available, but which are not on the health plan's formulary.

(e) **"Do I have to use certain pharmacies to pay the least out of my own pocket under this health plan?"** If the answer to this question is "yes," the plan must state the approximate number of pharmacies in Washington at which the most favorable enrollee cost sharing will be provided, and some means by which the enrollee can learn which ones they are.

(f) **"How many days' supply of most medications can I get without paying another co-pay or other repeating charge?"** The response should discuss normal and excep-

tional supply limits, mail order arrangements and travel supply and refill requirements or guidelines.

(g) **"What other pharmacy services does my health plan cover?"** The response should include any "intellectual services," or disease management services reimbursed by the plan in addition to those required under state and federal law in connection with dispensing, such as disease management services for migraine, diabetes, smoking cessation, asthma, or lipid management.

(3) The commissioner may disapprove any contract issued or renewed after July 1, 2001, that includes coverage for pharmacy services if it does not state the general categories of drugs excluded from coverage. Such categories may include items such as appetite suppressants, dental prescriptions, cosmetic agents or most over-the-counter medications. This subsection intends only to promote clearer enrollee understanding of the exclusions, reductions and limitations contained in a health plan, and not to suggest that any particular categories of coverage for drugs or pharmacy services should be excluded, reduced, or limited by a health plan.

(4)(a) In lieu of meeting the requirements of this section, a health carrier may request that the commissioner publish a document which serves the purposes of this section for any of its plans. Such document will pose and respond to the questions contained in subsections (2) and (3) of this section.

(b) If a carrier makes a request according to this subsection, the request must be accompanied by the information the commissioner may require by written request to the carrier in order to prepare the document. The carrier must supply the requested information in writing. The information must be accompanied by a certification by the carrier that it is accurate, complete, and not misleading. Any further information requested by the commissioner must be provided promptly and accompanied by a similar certification. The information in all cases must be organized so as to facilitate the preparation of the document.

(c) No more than thirty days after receipt of the document described in (a) of this subsection, the carrier must provide it to each prospective enrollee considering enrollment in a health plan that covers pharmacy services benefits.

WSR 00-16-128
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed August 2, 2000, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-017.

Title of Rule: Amendment of chapter 51-40 WAC (amendment of the 1997 Edition of the Uniform Building Code).

Purpose: To consider whether to amend the 1997 Edition of the Uniform Building Code, Published by the International Conference of Building Officials.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

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Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rules include adoption of amendments to the 1997 Uniform Building Code, including editorial corrections, improved requirements for adult family homes and barrier-free facilities, and substituting the 2000 International Building Code structural provisions.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, P.O. Box 48300, Olympia, WA 98504-8300, (360) 586-8999; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will amend chapter 51-40 WAC. Chapter 51-40 WAC adopts and amends the 1997 Edition of the Uniform Building Code (UBC) published in three volumes by the International Conference of Building Officials. The purpose is to further amend the 1997 UBC to make editorial corrections and other improvements in the code language. The proposed amendments will provide greater safety and flexibility than the published version for application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, regulatory improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. **Need.** This rule is necessary to comply with the requirements of RCW 19.27.074. The council must regularly review the Uniform Building Code, and adopt amendments as deemed appropriate by the council. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by physically disabled persons. The technical advisory groups appointed by the Council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. **Effectiveness and Efficiency.** The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for state-wide adoption of building codes.

3. **Clarity.** To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted.

4. **Intent and Statutory Authority.** The proposed rule is consistent with the legislative intent of the statute chapter 19.27 RCW. The statute gives the council sufficient authority to maintain the state building code, and to amend the Uniform Building Code.

5. **Coordination.** The council rule-making process includes participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the departments of social and health services, health, labor and industries, and the state fire marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. **Cost.** The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. **Fairness.** The state amendments to the Uniform Building Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: The proposed amendments will improve the existing rules by correcting editorial errors and updating code language to allow for improved building practice and technology. The amendments added to the 1997 UBC are as follows:

1. **Section 202:** Adds definition for Adult Family Home.
2. **Sections 204 and 207:** Editorial, moves definition of Family Child Day Care Home.
3. **Section 310.1:** Adds adult family homes to the R-3 definition.
4. **Section 310.2.2:** Adds additional section references for R-1 special provisions.
5. **Section 310.2.3:** Adds mounting height requirements for environmental controls.
6. **Section 310.6:** Changes room dimension requirements for R-1.
7. **Section 310.14:** Adds new section for Adult Family Home requirements.
8. **Section 313.1:** Deletes Adult Family Home from the LC occupancy classification.
9. **Section 313.6:** Changes room dimension requirements for LC to coordinate with Section 310.6 changes.
10. **Section 403.7:** Along with amended Section 1004.3.4.5 changes, simplifies and consolidates the two sections.
11. **Section 804.1:** Editorial change to clarify language.

12. **Section 902:** Update to current referenced standard for fire-extinguishing system.

13. **Section 1003.3.1.5:** Editorial correction.

14. **Section 1004.3.2.7:** Editorial correction and deletion of unnecessary handrail requirement.

15. **Section 1004.3.4.5:** Along with amended Section 403.7 changes, simplifies and consolidates the two sections. Also, a section reference is added to clarify requirements for Exception 3.

16. **Section 1103.1.8.2:** Removes requirement for Type B dwelling units where an elevator is provided although it is not required.

17. **Section 1104.1:** Provides exception to area of evacuation assistance in buildings having a supervised automatic sprinkler system.

18. **Section 1105.4.9:** Visible alarm exception for employee work areas.

19. **Section 1106.2.4.6:** Changes side reach from 54 inches to 48 inches maximum height.

20. **Section 1106.11.3.3:** Requires door pulls on both sides of toilet stall doors.

21. **Section 1106.15.2:** Clarifies where visible alarms are to be located and the criteria they are to meet.

22. **Section 1106.17:** Allows an approved alternate for detectable warnings on walking surfaces.

23. **Section 1106.27.1:** Allows showers in Type B dwelling units to be larger than 36 inches by 36 inches.

24. **Sections 1202 and 1203:** Coordinates the building code ventilation requirements with the state Ventilation and Indoor Air Quality Code.

25. **Section 1505.1:** Removes requirement for access to attics with a volume less than 100 cubic feet.

26. **Table 16-A:** Reduces the load design requirement for residential gangways and bridges.

27. **Chapters 16 through 23:** The proposal would replace the 1997 UBC chapters with corresponding 2000 International Building Code (IBC) chapters to substitute the IBC structural provisions for the current UBC provisions.

28. **Section 2106.2.14.1:** Allows a reduced hole size for grouting bolts in masonry.

29. **Section 2902.1.1:** Plumbing fixtures need not be provided for unoccupied buildings or facilities.

30. **Section 2902.3.1:** Clarifies and corrects the intent and application of the requirement to provide separate toilet facilities for each sex.

31. **Table 29-A:** Editorial changes to improve the table.

32. **Section 3102.5.4:** Editorial correction.

33. **Section 3102.7.14:** Editorial correction.

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

Small Business Economic Impact Statement

The State Building Code Council is proposing to adopt amendments to chapter 51-40 WAC, the 1997 Uniform Building Code published by the International Conference of Building Officials. The council appoints Technical Advisory Groups (TAGs) to conduct a comprehensive review of pro-

posed code amendments. The participants on the Building Code TAG represent architects, structural engineers, fire officials, model code organizations, homebuilders, building owners and managers, the disabled community and state agencies. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC by-laws.

Proposed amendments to WAC 51-40-1600 through 51-40-2300, structural design requirements, have been identified by the Building Code TAG and the Economic and Regulatory Assessment Committee as having a potential cost impact on businesses required to comply with the rule.

The proposed rule replaces the structural design chapters 16-23 of the UBC with structural design requirements of the 2000 International Building Code. The change would have greater impact on large commercial projects. The TAG did not complete an in-depth analysis of the code changes in this section. Economic factors include cost savings and added costs. The rule would update design standards for construction materials, possibly resulting in savings. The rule would include changes to calculations of wind speed effects, possibly resulting in added requirements in some areas of the state. Further analysis is necessary to determine the overall costs of this rule change.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-0486, fax (360) 586-5880.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 15, 2000, 10:00 a.m.; and the Radisson Hotel, 17101 International Boulevard, SeaTac, WA, on October 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 1, 2000, TDD (360) 753-2200, or (360) 753-1184.

Submit Written Comments to: Judy Wilson, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by October 13, 2000.

Date of Intended Adoption: November 17, 2000.

August 2, 2000

Judy Wilson

Chairman

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-0200 Chapter 2—Definitions and abbreviations.

SECTION 202 - A.

ADULT FAMILY HOME means a family abode in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who

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are not related by blood or marriage to the person or persons providing the services.

SECTION 204 - C.

CHILD DAY CARE, shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

~~((**CHILD DAY CARE HOME, FAMILY** is a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.))~~

SECTION 207 - F.

FAMILY ABODE means a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation.

FAMILY CHILD DAY CARE HOME is a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

FLOOR AREA is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, courts, and gridirons. The floor area of a building, or portion thereof, not provided with surrounding exterior wall shall be the usable area under the horizontal projection of the roof or floor above.

SECTION 217 - P.

PORTABLE SCHOOL CLASSROOM is a structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

SECTION 220 - S.

STRUCTURAL OBSERVATION means the visual observation of the structural system, for general conformance to the approved plans and specifications. Structural observation does not include or waive the responsibility for the inspections required by Sections 108 and 1701 or other sections of the code.

SURGICAL AREA is the preoperating, operating, recovery and similar rooms within an outpatient health-care center where the patients are incapable of unassisted self-preservation.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-0310 Section 310—Requirements for Group R occupancies.

310.1 Group R Occupancies Defined. Group R Occupancies shall be:

Division 1. Hotels and apartment houses.

Congregate residences (each accommodating more than 10 persons).

Division 2. Not used.

Division 3. Dwellings, family child day care homes, adult family homes and lodging houses.

Congregate residences (each accommodating 10 persons or less).

Foster Family Care Homes licensed by the Washington State Department of Social and Health Services shall be permitted, as an accessory use to a dwelling unit, for six or fewer children including those of the resident family.

For occupancy separations, see Table 3-B.

A complete code for construction of detached one- and two-family dwellings is in Appendix Chapter 3, Division III, of this code. When adopted, as set forth in Section 101.3, it will take precedence over the other requirements set forth in this code.

310.2.2 Special provisions. Walls and floors separating dwelling units in the same building, or guest rooms in Group R, Division 1 hotel occupancies, shall not be of less than one-hour fire-resistive construction.

Group R, Division 1 Occupancies more than two stories in height or having more than 3,000 square feet (279 m²) of floor area above the first story shall not be of less than one-hour fire-resistive construction throughout, except as provided in Section 601.5.2.2, 508 and 904.1.3.

Storage or laundry rooms that are within Group R, Division 1 Occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation. The separation between individual storage lockers may be non-rated in rooms of 500 square feet (46.4 m²) or less in area and in sprinklered rooms of any size.

For Group R, Division 1 Occupancies with a Group S, Division 3 parking garage in the basement or first story, see Section 311.2.2.

For attic space partitions and draft stops, see Section 708.

310.2.3 Environmental Controls. For Group R Occupancies containing no more than three dwelling units, light switches and electrical outlets shall be mounted between 48" and 15" above the finished floor. Where multiple controls

serve the same elements (e.g., two remote switches for a light) only one need meet this requirement.

310.5 Light, Ventilation and Sanitation. In Group R Occupancies, light, ventilation and sanitation shall be as specified in Chapters 12 and 29.

310.6 Room Dimensions.

310.6.1 Ceiling heights. Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

EXCEPTIONS:

1. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (153 mm) below the required ceiling height.
2. Ceilings in basements without habitable spaces may project to within 6 feet 8 inches (2032 mm) of the finished floor, and beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.
3. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2134 mm) in height, with no portion of the required floor area less than 5 feet (1524 mm) in height.

310.6.2 Floor area. Dwelling units and congregate residences shall have at least one room that shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet (6.5 m²). Efficiency dwelling units shall comply with the requirements of Section 310.7.

Portions of a room with a sloped ceiling measuring less than 5 feet (1524 mm) or a flat ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum habitable area for that room.

310.6.3 Width. Habitable rooms other than a kitchen shall not be less than 7 feet (2134 mm) in any dimension.

310.9.1.6. Location within family child day care homes. In family child day care homes operable detectors shall be located in all sleeping and napping areas. When the family child day care home has more than one story, and in family child day care homes with basements, an operable detector shall be installed on each story and in the basement. In family child day care homes where a story or basement is split into two or more levels, the smoke detector shall be installed in the upper level, except that when the lower level contains a sleeping or napping area, an operable detector shall be located on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In family child day care homes where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all areas of the building.

310.13 Family Child Day Care Homes. For family child day care homes with more than six children, each floor level

used for family child day care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than four feet below grade level shall not be used for family child day care homes unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor above; or
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family day care homes.

EXCEPTIONS:

1. Use of toilet facilities while under supervision of an adult staff person.
2. Family child day care homes may be allowed on the second story if one of the following conditions exists:
 - 2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or
 - 2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self closing door is installed at the top or bottom of the interior stair leading to the floor below; or
 - 2.3 A residential sprinkler system is provided throughout the entire building in accordance with National Fire Protection Association Standard 13d.

Every sleeping or napping room in a family child day care home shall have at least one operable window for emergency rescue.

EXCEPTION:

Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family child day care area by at least one-hour fire-resistive construction.

EXCEPTION:

A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and preparation of food does not result in the production of smoke or grease laden vapors.

310.14 Adult Family Homes.

310.14.1 General. This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the

State of Washington Department of Social and Health Services prior to July 1, 2001.

310.14.2 Submittal Standards. In addition to those requirements in Section 106.3, the submittal shall identify the project as a Group R, Division 3 Adult Family Home Occupancy. A floor plan shall be submitted identifying the means of egress and the components in the means of egress such as stairs, ramps, platform lifts and elevators. The plans shall indicate the rooms used for clients and the sleeping room classification of each room.

310.14.3 Sleeping Room Classification. Each sleeping room in an adult family home shall be classified as:

1. Type S - where the means of egress contains stairs, elevators or platform lifts.

2. Type NS1 - where one means of egress is at grade level or a ramp- constructed in accordance with 1106.8 is provided.

3. Type NS2 - where two means of egress are at grade level or ramps constructed in accordance with 1106.8 are provided.

310.14.4 Types of Locking Devices. All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

310.14.5 Smoke Detector Requirements. All adult family homes shall be equipped with smoke detectors installed as required in Section 310.9.1. Detectors shall be installed in such a manner so that the fire warning may be audible in all parts of the dwelling upon activation of a single device.

310.14.6 Escape Windows and Doors. Every sleeping room shall be provided with emergency escape and rescue windows as required by Section 310.4.

310.14.7 Fire Apparatus Access Roads and Water Supply for Fire Protection. Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements Article 9 of the Fire Code for new construction.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-0313 Section 313—Requirements for Group LC occupancies.

313.1 Group LC Occupancies Defined. Group LC Occupancies shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

1. ~~((Adult family home.~~

2.)) Adult residential rehabilitation facility.

~~((3.))~~ 2. Alcoholism intensive inpatient treatment service.

~~((4.))~~ 3. Alcoholism detoxification service.

~~((5.))~~ 4. Alcoholism long term treatment service.

~~((6.))~~ 5. Alcoholism recovery house service.

~~((7.))~~ 6. Boarding home.

~~((8.))~~ 7. Group care facility.

~~((9.))~~ 8. Group care facility for severely and multiple handicapped children.

~~((10.))~~ 9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I, Division 1.1 hospital.

313.2 Construction, Height and Allowable Area.

313.2.1 General. Buildings or parts of buildings classed in Group LC because of the use or character of the occupancy shall be limited to the types of construction set forth in this section.

313.2.1.1 Type of construction. Except as provided herein, LC Occupancy buildings may be of any construction type allowed in this code and shall not exceed the limits specified in Sections 504, 505 and 506.

Group LC Occupancies which are licensed for more than six clients and which are more than two stories in height or which have more than 3,000 square feet (279 m²) above the first story shall not be less than one-hour fire-resistive construction throughout.

EXCEPTION: Buildings which are licensed for not more than 16 clients may be of Type V-N construction provided:

1. The entire building has an interior wall and ceiling covering consisting of 1/2 inch gypsum wall board or an approved equal installed in accordance with Section 2511; and,
2. An approved smoke-detection system, supervised by an approved central, proprietary or remote station service, is installed throughout the entire structure and is interconnected with any required sprinkler system.

For attic space partitions and draft stops, see Section 708.

313.2.1.2 Area and height. Buildings classified as Group LC Occupancy shall not exceed, in area or height, the limitations set forth in Table 5-B for Group R, Division 1 Occupancies.

EXCEPTION: LC Occupancies licensed for six or fewer clients may be of unlimited area provided they are limited to 3 stories or less.

313.2.1.3 Mixed Occupancies. Group LC Occupancies shall be separated from Group H occupancies by a four-hour fire-resistive occupancy separation and shall be separated from all other occupancies by a one-hour fire-resistive assembly.

EXCEPTIONS: 1. An occupancy separation need not be provided between a Group LC Occupancy licensed for 16 or fewer clients and a carport having no enclosed use above, provided the carport is entirely open on two or more sides.

2. In a Group LC Occupancy licensed for 16 or fewer clients, the one-hour occupancy separation between a Group LC Occupancy and a Group U, Division 1 Occupancy, may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight-fitting solid-wood door 1 3/8 inches (35 mm) in thickness, or a self-closing tight-fitting door having a fire-protection rating of not less than 20 minutes when tested in accordance with Part II of UBC Standard 7-2, which is a part of this code, is permitted in lieu of a one-hour fire assembly. Fire dampers need not be installed in air ducts passing through the wall, floor or ceiling separating a Group LC Occupancy from a Group U Occupancy, provided such ducts within the Group U Occupancy are constructed of steel having a thickness not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) and having no openings into the Group U Occupancy.

3. An occupancy separation need not be provided between a Group LC, Boarding Home Occupancy and a Group R, Division 1 Occupancy.

313.3 Location on Property. For fire-resistive protection of exterior walls and openings, as determined by location on property, see Section 503 and Chapter 6. For the purpose of this determination, LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R, Division 3 Occupancies; and all other LC Occupancies shall comply with provisions for Group R, Division 1 Occupancies.

313.4 Access, Means of Egress, and Emergency Escape.

313.4.1 Evacuation capability. Evacuation capability is the ability of the clients of a licensed care facility to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

- I - persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.
- II - persons physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.
- III - persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

313.4.2 Means of egress. Means of egress shall be provided as specified in Chapter 10. For the purpose of determining egress requirements, Group LC Occupancies shall be considered to have an occupant load factor of 300. At least two means of egress shall be required when the number of occupants (clients and staff) is 10 or more. For all other requirements of Chapter 10, Group LC Occupancies licensed for six or fewer clients shall comply with provisions for Group R, Division 3 Occupancies; and all other Group LC Occupancies shall comply with provisions for Group R, Division 1 Occupancies.

EXCEPTIONS:

1. Means of egress illumination required by Section 1003.2.9.1 need not be provided in any Group LC Occupancy licensed for six or fewer clients.
2. In LC Occupancies with an approved automatic fire sprinkler system and approved automatic fire alarm system, waiting and resting areas may be open to the corridor provided:
 - 2.1 Each rest area does not exceed 150 square feet, excluding the corridor width; and
 - 2.2 Walls defining the space shall continue the construction of the corridor's wall; and
 - 2.3 The floor on which the rest area or areas are located is divided into at least two compartments by smoke barrier walls of not less than one-hour fire-resistive construction meeting the requirements of Section 308.2.2.1 and Section 905.2.3; and
 - 2.4 Combustible furnishings located within the rest area are flame resistant as defined by Uniform Fire Code Section 207; and
 - 2.5 Emergency means of egress lighting is provided as required by Section 1003.2.9.1 to illuminate the area.

313.4.3 Accessibility. In new construction, Group LC Occupancies regardless of the number of clients shall comply with accessibility standards for Group R, Division 1 apartment buildings or congregate residences as specified in Chapter 11.

Where a Group LC Occupancy is being established by change of occupancy in an existing building, the building shall be altered to comply with apartment building or congregate residence provisions of Chapter 11 if any client is a person with disability. The alterations shall provide the minimum necessary access appropriate for the disabilities of clients. Any alteration, whether to accommodate a client with disability or for another purpose, shall comply with Part III of Chapter 11.

313.4.4 Emergency escape.

313.4.4.1 Location of sleeping rooms. In every licensed care facility, all sleeping rooms occupied by clients with an evacuation capability of II or III shall be located on a grade level floor which provides not less than two means of egress which do not require clients to use stairs, elevator, or platform lift to exit the facility.

EXCEPTIONS:

1. In a Group LC Occupancy licensed to provide care to two or fewer clients with an evacuation capability of II or III and six or fewer total clients, only one means of egress which does not require clients to use stairs, elevator or platform lift to exit the facility need be provided.
2. Sleeping rooms for clients with an evacuation capability of II or III may be located on floors other than at grade level, provided the facility is divided into at least two compartments by smoke barriers of not less than one-hour fire-resistance meeting the requirements of Sections 308.2.2.1 and 905.2.3.

313.4.4.2 Escape windows and doors. Every sleeping room below the fourth story (including basements) shall have at least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The emergency window shall be operable from the inside to provide a full, clear opening without the use of separate tools.

EXCEPTION:

The window or door may open into an atrium complying with Section 402 provided the window or door opens onto an exit-access balcony and the sleeping

room has an exit or exit-access doorway which does not open into the atrium.

Escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet (0.53 m²). The minimum net clear openable height dimension shall be 24 inches (610 mm). The minimum net clear openable width dimension shall be 20 inches (508 mm). When windows are provided as a means of escape or rescue, they shall have a finished sill height not more than 44 inches (1118 mm) above the floor.

Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape and rescue windows shall comply with the following:

1. The clear horizontal dimension shall allow the window to be fully opened and provide a minimum accessible net clear opening of 9 square feet (0.84 m²), with a minimum dimension of 36 inches (914 mm).

2. Window wells with a vertical depth of more than 44 inches (1118 mm) shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6 inches (152 mm).

Bars, grilles, grates or similar devices may be installed on emergency escape windows, doors or window wells, provided:

1. The devices are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with Section 313.8.

313.5 Light, Ventilation and Sanitation.

313.5.1 General. For the purpose of determining the light and ventilation for Group LC Occupancies required by this section, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one tenth of the floor area of the interior room or 25 square feet (2.3 m²), whichever is greater.

Exterior openings for natural light or ventilation required by this section shall open directly onto a public way or a yard or court as set for in Section 313.5.4.

EXCEPTIONS:

1. Required exterior openings may open into a roofed porch where the porch:
 - 1.1 Abuts a public way, yard or court; and
 - 1.2 Has a ceiling height of not less than 7 feet (2134 mm); and
 - 1.3 Has a longer side at least 65 percent open and unobstructed.
2. Skylights.

313.5.2 Light. Sleeping rooms and habitable rooms within the licensed care facility shall be provided with natural light by means of exterior glazed openings with an area not less than one tenth of the floor area of such rooms with a minimum of 10 square feet (0.93 m²).

EXCEPTION: Kitchens may be provided with artificial light.

313.5.3 Ventilation. Group LC Occupancies shall comply with provisions for Group R Occupancies as provided in the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).

313.5.4 Yards and Courts.

313.5.4.1 General. This section shall apply to yards and courts adjacent to exterior openings that provide required light or ventilation. Such yards and courts shall be on the same property as the building.

313.5.4.2 Yards. Yards shall not be less than 3 feet (914 mm) in width for one-story and two-story buildings. For buildings more than two stories in height, the minimum width of the yard shall be increased at the rate of 1 foot (305 mm) for each additional story. For buildings exceeding 14 stories in height, the required width of the yard shall be computed on the basis of 14 stories.

313.5.4.3 Courts. Courts shall not be less than 3 feet (914 mm) in width. Courts having windows opening on opposite sides shall not be less than 6 feet (1829 mm) in width. Courts bounded on three or more sides by the walls of the building shall not be less than 10 feet (3048 mm) in length unless bounded on one end by a public way or yard. For buildings more than two stories in height, the court shall be increased 1 foot (305 mm) in width and 2 feet (610 mm) in length for each additional story. For buildings exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet (0.93 m²) in area and leading to the exterior of the building unless abutting a yard or a public way. The construction of the air intake shall be as required for the court walls of the building but in no case less than one-hour fire resistive.

313.5.4.4 Eaves. Eaves over required windows shall extend no closer than 30 inches (762 mm) from the side and rear property lines. See also Sections 503.2 and 705.

313.5.5 Sanitation.

313.5.5.1 General. Sanitation facilities shall comply with Chapter 29 and the provisions of this section. Any room in which a water closet is located shall be separated from food preparation or storage rooms by a self-closing tight-fitting door.

313.5.5.2 Group LC Occupancies with six or fewer clients. Group LC Occupancies licensed for six or fewer clients shall be provided with not less than one water closet, one lavatory and one bathtub or shower.

313.5.5.3 Group LC Occupancies with more than six clients. Group LC Occupancies licensed for more than six clients shall provide not less than one water closet for each 10

male clients, or fractional part thereof, and not less than one water closet for each 8 female clients, or fractional part thereof.

In addition, not less than one lavatory shall be provided for each 12 male clients, or fractional part thereof, and not less than one lavatory for each 12 female clients, or fractional part thereof. Where the number of clients of either sex exceeds 12, one lavatory shall be added for each additional 20 males, or fractional part thereof, and one lavatory shall be added for each additional 15 females, or fractional part thereof.

In addition, not less than one bathtub or shower shall be provided for every eight clients, or fractional part thereof. Where there are female clients, one additional bathtub or shower shall be provided for each 30 female clients, or fractional part thereof. Where the number of total clients exceeds 150, one bathtub or shower shall be provided for each 20 clients, or fractional part thereof, over 150 clients.

313.6 Room Dimensions.

313.6.1 Ceiling Heights. (~~Habitable space shall have a ceiling height of not less than 7 feet 6 inches (2286 mm) except as otherwise permitted in this section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet (2134 mm) measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches (1219 mm) on center, ceiling height shall be measured to the bottom of those members. Where exposed beam ceilings members are spaced at 48 inches (1219 mm) or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet (2134 mm) above the floor.~~)

~~If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one half of the area thereof. No portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.~~

~~If any room has a furred ceiling, the prescribed ceiling height is required in two thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).)~~ Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

EXCEPTIONS:

1. Beams and girders spaced not less than 4 feet (1219 mm) on center may project not more than 6 inches (153 mm) below the required ceiling height.
2. Ceilings in basements without habitable spaces may project to within 6 feet 8 inches (2032 mm) of the finished floor, and beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.
3. Not more than 50 percent of the required floor area of a room or space is permitted to have a sloped ceiling less than 7 feet (2134 mm) in height, with no por-

tion of the required floor area less than 5 feet (1524 mm) in height.

313.6.2 Floor area. Group LC Occupancies shall have at least one room which shall have not less than 120 square feet (11.2 m²) of floor area. Other habitable rooms except kitchens shall have an area of not less than 70 square feet (6.5 m²).

Portions of a room with a sloped ceiling measuring less than 5 feet (1524 mm) or a flat ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum habitable area for that room.

313.6.3 Width. Habitable rooms other than kitchens shall not be less than 7 feet (2134 mm) in any dimension.

313.7 Shaft and Exit Enclosures. Exits shall be enclosed as specified in Chapter 10.

Elevator shafts, vent shafts, dumbwaiter shafts, clothes chutes and other vertical openings shall be enclosed and the enclosure shall be as specified in Section 711.

313.8 Smoke Detectors and Sprinkler Systems.

313.8.1 Smoke detectors.

313.8.1.1 General. Rooms within licensed care facilities that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

313.8.1.2 Additions, alterations or repairs. When the valuation of an addition, alteration or repair to a Group LC Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms is added or created in an existing Group LC Occupancy, smoke detectors shall be installed in accordance with Sections 313.8.1.3 and 313.8.1.4 of this section.

EXCEPTION: Repairs to the exterior surfaces are exempt from the requirements of this section.

313.8.1.3 Power source. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings which undergo alterations, repairs or additions regulated by Section 313.8.1.2.

313.8.1.4 Location. A detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the licensed care facility has more than one story or in facilities with basements, a detector shall be installed on each story and in the basement. Where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level.

When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. Where the ceiling height of a room open to a hallway serving the bedrooms exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the licensed care facility in which they are located.

313.8.2 Sprinkler and standpipe systems.

313.8.2.1 Sprinkler Systems. An automatic sprinkler system shall be installed throughout every licensed care facility three or more stories in height or licensed for more than 16 clients. Licensed care facilities with 16 or fewer clients, licensed to provide care for more than two clients who have an evacuation capability of II or III, shall be provided with an automatic sprinkler system throughout the facility.

EXCEPTION: An automatic sprinkler system need not be installed in any licensed care facility licensed for six or fewer clients regardless of the level of evacuation capability.

Where a sprinkler system is required, a system complying with UBC Standard 9-1 shall be installed.

EXCEPTIONS:

1. An automatic sprinkler system complying with UBC Standard 9-3 may be installed in buildings of four stories or less.
2. Where a Group LC Occupancy is being established by change of occupancy in an existing building not protected by a sprinkler system as is required above for buildings of new construction, an automatic sprinkler system complying with NFPA Standard 13d may be installed provided the care facility is licensed for not more than 16 clients.

Residential or quick-response heads shall be used in all sprinkler systems.

313.8.2.2 Standpipe systems. Standpipe systems shall be provided where required by Section 904.5.

313.9 Fire Alarm Systems. Group LC Occupancies licensed for more than 16 clients shall be provided with an approved manual and automatic fire alarm system. The local alarm shall provide an alarm signal with a sound pressure level of 15 dBA above the average ambient sound level in every occupied space within the building. The minimum sound pressure level shall be 70 dBA. The maximum sound pressure level shall not exceed 110 dBA at the minimum hearing distance from the audible appliance.

313.10 Heating. Licensed care facilities shall be provided with heating facilities capable of maintaining a room temperature of 70°F (21°C) at a point 3 feet (914 mm) above the floor in all habitable rooms.

313.11 Special Hazards. Chimneys and heating apparatus shall conform to the requirements of Chapter 31 and the Mechanical Code.

In Group LC Occupancies licensed for more than six clients, the storage, use and handling of flammable and combustible liquids shall be in accordance with the Fire Code. In such facilities, doors leading into rooms in which Class I flammable liquids are stored or used shall be protected by a

fire assembly having a one-hour fire-protection rating. Such fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch (25.4 mm) block letters stating: FIRE DOOR—KEEP CLOSED.

In Group LC Occupancies licensed for more than 16 clients, rooms containing a boiler, central heating plant or hot-water supply boiler shall be separated from the rest of the building by not less than a one-hour occupancy separation.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-0403 Section 403—Special provisions for Group B office buildings and Group R, Division 1 Occupancies.

403.6.1 General. A central control station room for fire department operations shall be provided. The location, size and arrangement of the central control station shall be approved by the authority having jurisdiction. The central control station room shall be separated from the remainder of the building by not less than a one-hour fire-resistive occupancy separation. It shall contain the following as a minimum:

1. The voice alarm and public address system panels.
2. The fire department communications panel.
3. Fire-detection and alarm systems annunciator panels.
4. Annunciator visually indicating the location of the elevators and whether they are operational.
5. Status indicators and controls for air-handling systems.
6. Controls for unlocking all stairway doors simultaneously.
7. Sprinkler valve and water-flow detector display panels.
8. Emergency and standby power status indicators.
9. A telephone for fire department use with controlled access to the public telephone system.
10. Fire pump status indicators.
11. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire-protection systems, fire fighting equipment and fire department access.
12. Work table.

403.7 Elevators. Elevators and elevator lobbies shall comply with the provisions of Chapter 30 and the following:

NOTE: A bank of elevators is a group of elevators or a single elevator controlled by a common operating system; that is, all those elevators that respond to a single call button constitute a bank of elevators. There is no limit on the number of cars that may be in a bank or group, but there may not be more than four cars within a common hoistway.

1. Elevators on all floors shall open into elevator lobbies that are separated from the remainder of the building, including corridors and other means of egress, by walls extending from the floor to the underside of the fire-resistive floor or roof above. Such walls shall not be of less than one-hour fire-resistive construction. Openings through such walls shall conform to Section 1004.3.4.3.2.

See Section 1004.3.4.5 for exceptions.

2. Each elevator lobby shall be provided with approved smoke detector(s) installed in accordance with their listings. When the detector is activated, elevator doors shall not open and all cars serving that lobby are to return to the main floor and be under manual control only. If the main floor detector or a transfer floor detector is activated, all cars serving the main floor or transfer floor shall return to a location approved by the fire department and building official and be under manual control only. The detector may serve to close the lobby doors, additional doors at the hoistway opening allowed in Section 3007 and smoke dampers serving the lobby.

3. Elevator hoistways shall not be vented through an elevator machine room. Each elevator machine room shall be treated as a separate smoke-control zone.

1003.3.1.1

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-0804 Section 804—Maximum allowable flame spread.

804.1 General. The maximum flame-spread class of finish materials used on interior walls and ceilings shall not exceed that set forth in Table 8-B.

EXCEPTIONS:

1. Except in Group I Occupancies and in enclosed vertical exits, Class III may be used in other means of egress and rooms as wainscoting extending not more than 48 inches (1219 mm) above the floor and for tack and bulletin boards covering not more than 5 percent of the gross wall area of the room.
2. In other than suites in Group I, Division 1.1, 1.2 or 2 (suites) complying with Section 1007.5, when a sprinkler system complying with UBC Standard 9-1 or 9-3 is provided, the flame-spread classification rating may be reduced one classification, but in no case shall materials having a classification greater than Class III be used.
3. The exposed faces of Type IV-H.T., structural members and Type IV-H.T., decking and planking, where otherwise permissible under this code, are excluded from flame-spread requirements.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-0902 Section 902—Standards of quality.

Fire-extinguishing systems, including automatic sprinkler systems, Class I, Class II and Class III standpipe systems, special automatic extinguishing systems, basement pipe inlets, smoke-control systems, and smoke and heat vents shall be approved and shall be subject to such periodic tests as may be required.

The standards listed below labeled a "UBC Standard" are also listed in Chapter 35, Part II, and are part of this code. The other standards listed below are recognized standards (see Sections 3503 and 3504).

1. Fire-extinguishing system.

- 1.1 UBC Standard 9-1, Installation of Sprinkler Systems
- 1.2 UBC Standard 9-3, Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less
- 1.3 NFPA Standard 13D, as published by the National Fire Protection Association, ((1994)) 1999 edition

2. Standpipe systems.

UBC Standard 9-2, Standpipe Systems

3. Smoke control.

- 3.1 UBC Standard 7-2, Fire Test of Door Assemblies
- 3.2 UL 555, Fire Dampers
- 3.3 UL 555C, Ceiling Dampers
- 3.4 UL 555S, Leakage Rated Dampers for Use in Smoke Control Systems
- 3.5 UL 33, Heat Response Links for Fire Protection Service
- 3.6 UL 353, Limit Controls

4. Smoke and heat vents.

UBC Standard 15-7, Automatic Smoke and Heat Vents

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AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1003 General egress requirements.

1003.3.1.1 General (Doors). For the purposes of Section 1003.3.1, the term "exit door" shall mean all of those doors or doorways along the path of exit travel anywhere in a means of egress system.

Exit doors serving the means of egress system shall comply with the requirements of Section 1003.3.1. Where additional doors are installed for egress purposes, they shall conform to all requirements of this section. Buildings or structures used for human occupancy shall have at least one exterior exit door that meets the requirements of Section 1003.3.1.3. Section 1003.3.1.5 shall apply to all exit doors within an accessible route, regardless of occupant load.

Exit doors shall be readily distinguishable from the adjacent construction and shall be easily recognizable as exit doors. Mirrors or similar reflecting materials shall not be used on exit doors, and exit doors shall not be concealed by curtains, drapes, decorations and similar materials.

1003.3.1.2 Special Doors. Revolving, sliding and overhead doors serving an occupant load of 10 or more shall not be used as required exit doors. Where revolving or overhead doors or turnstiles are used, an adjacent accessible gate or door shall be provided where an accessible route is required by Chapter 11.

EXCEPTIONS:

1. Approved revolving doors having leaves that will collapse under opposing pressures may be used, provided
 - 1.1 Such doors have a minimum width of 6 feet 6 inches (1981 mm).

- 1.2 At least one conforming exit door is located adjacent to each revolving door.
- 1.3 The revolving door shall not be considered to provide any required width when computing means of egress width in accordance with Section 1003.2.3.
- 2. Horizontal sliding doors complying with UBC Standard 7-8 may be used
 - 2.1 In elevator lobby separations.
 - 2.2 In other than Groups A and H Occupancies, where smoke barriers are required.
 - 2.3 In other than Group H Occupancies, where serving an occupant load of less than 50.

4. The opening force at required fire doors within an accessible route may be not greater than 30 pounds (133.45 N).

Double-acting doors shall not be used as exits where any of the following conditions exist:

- 1. The occupant load served by the door is 100 or more.
- 2. The door is part of a fire assembly.
- 3. The door is part of a smoke- and draft-control assembly.
- 4. Panic hardware is required or provided on the door.

A double-acting door shall be provided with a view panel of not less than 200 square inches (0.129 m²).

1003.3.1.6 Floor Level at Doors. Regardless of the occupant load served, there shall be a floor or a landing on each side of a door. Where access for persons with disabilities is required by Chapter 11, the floor or landing shall not be more than 1/2 inch (13 mm) lower than the threshold of the doorway. Where such access is not required, the threshold shall not exceed 1 inch (25 mm). Landings shall be level except that exterior landings, may have a slope not to exceed 1/4 unit vertical in 12 units horizontal (2% slope).

- EXCEPTIONS:
- 1. In Group R, Division 3, and Group U Occupancies and within individual units of Group R, Division 1 Occupancies:
 - 1.1. A door may open at the top of an interior flight of stairs, provided the door does not swing over the top step.
 - 1.2. A door may open at a landing which is not more than 8 inches (203 mm) lower than the floor level, provided the door does not swing over the landing.
 - 1.3. Screen doors and storm doors may swing over stairs, steps or landings.
 - 2. Doors serving building equipment rooms which are not normally occupied.
 - 3. At exterior sliding doors within accessible dwelling units, the floor or landing may be no more than 3/4 inch (19 mm) lower than the threshold of the doorway, including the sliding door tracks, provided that an additional accessible entrance door is provided into the dwelling unit.

1003.3.1.10 Special Egress-control Devices. When approved by the building official, exit doors in Group B; Group F; Group I, Divisions 1.1, 1.2 and 2; Group M, Group LC Occupancies, and Group S Occupancies may be equipped with approved listed special egress-control devices, provided the building is protected throughout by an approved automatic sprinkler system and an approved automatic smoke-detection system. Such devices shall conform to all of the following:

- 1. The egress-control device shall automatically deactivate upon activation of either the sprinkler system or the smoke-detection system.
- 2. The egress-control device shall automatically deactivate upon loss of electrical power to any one of the following:
 - 2.1 The egress-control device itself.
 - 2.2 The smoke-detection system.

Power-operated doors complying with UBC Standard 10-1 may be used for egress purposes. Such doors, where swinging, shall have two guide rails installed on the swing side projecting out from the face of the door jambs for a distance not less than the widest door leaf. Guide rails shall not be less than 30 inches (762 mm) in height with solid or mesh panels to prevent penetration into door swing and shall be capable of resisting a horizontal load at top of rail of not less than 50 pounds per lineal foot (730 N/m).

- EXCEPTIONS:
- 1. Walls or other types of separators may be used in lieu of the above guide rail, provided all the criteria are met.
 - 2. Guide rails in industrial or commercial occupancies not accessible to the public may comply with the exception to Section 509.3.
 - 3. Doors swinging toward flow of traffic shall not be permitted unless actuating devices start to function at least 8 feet 11 inches (2718 mm) beyond the door in an open position and guide rails extend 6 feet 5 inches (1956 mm) beyond the door in an open position.

Clearances for guide rails shall be as follows:

- 1. Six inches (152 mm) maximum between rails and leading edge of door at the closest point in its arc of travel.
- 2. Six inches (152 mm) maximum between rails and the door in an open position.
- 3. Two inches (51 mm) minimum between rail at hinge side and door in an open position.
- 4. Two inches (51 mm) maximum between freestanding rails and jamb or other adjacent surface.

1003.3.1.5 Swing and Opening Force. Exit doors serving an occupant load of 10 or more shall be of the pivoted, balanced or side-hinged swinging type. Exit doors shall swing in the direction of the path of exit travel where the area served has an occupant load of 50 or more. The door shall swing to the fully open position when an opening force not to exceed 30 pounds (133.45 N) is applied to the latch side. Within an accessible route, such force shall not exceed 8.5 pounds (37.8 N) at exterior doors; and shall not exceed 5 pounds (22.24 N) at sliding and folding doors and interior swinging doors. At exterior doors where environmental conditions require greater closing pressure, power-operated doors shall be used within the accessible route. For other door-opening forces, see Chapter 11 and Section 905.3. See Section 3207 for doors swinging over public property.

- EXCEPTIONS:
- 1. Group I, Division 3 Occupancy used as a place of detention.
 - 2. In other than accessible dwelling units, doors within or serving an individual dwelling unit.
 - 3. Special door conforming with Section 1003.3.1.2.

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2.3 Means of egress illumination as required by Section 1003.2.9.

3. The egress-control device shall be capable of being deactivated by a signal from a switch located in an approved location.

4. An irreversible process which will deactivate the egress-control device shall be initiated whenever a manual force of not more than 15 pounds (66.72 N) is applied for two seconds to the panic bar or other door-latching hardware. The egress-control device shall deactivate within an approved time period not to exceed a total of 15 seconds. The time delay established for each egress-control device shall not be field adjustable.

5. Actuation of the panic bar or other door-latching hardware shall activate an audible signal at the door.

6. The unlatching shall not require more than one operation.

A sign shall be provided on the door located above and within 12 inches (305 mm) of the panic bar or other door-latching hardware reading:

**KEEP PUSHING. THE DOOR WILL OPEN IN
SECONDS. ALARM WILL SOUND.**

Sign letter shall be at least 1 inch (25 mm) in height and shall have a stroke of not less than 1/8 inch (3.2 mm).

Regardless of the means of deactivation, relocking of the egress-control device shall be by manual means only at the door.

EXCEPTION: Subject to the approval of the building official, special units for the care of dementia patients in nursing homes which are identified and approved by the state agency licensing such units, may use special egress-control devices where a panic bar is not part of the egress-control mechanism.

1003.3.3.1 General (Stairways).

Every stairway having two or more risers serving any building or portion thereof shall conform to the requirements of Section 1003.3.3. For the purposes of Section 1003.3.3, the term "stairway" shall include stairs, landings, handrails and guardrails as applicable. Where aisles in assembly rooms have steps, they shall conform with the requirements in Section 1004.3.2.

For the purpose of this chapter, the term "step" shall mean those portions of the means of egress achieving a change in elevation by means of a single riser. Individual steps shall comply with the detailed requirements of this chapter which specify applicability to steps.

EXCEPTIONS:

1. Stairs or ladders used only to attend equipment or window wells are exempt from the requirements of this section.
2. Stairs or ladders within an individual dwelling unit used to gain access to areas of 200 square feet (18.6 m²) or less, and not containing the primary bathroom or kitchen, are exempt from the requirements of this section.

Stairways located in a building required to be accessible shall also comply with Chapter 11.

1003.3.3.3 Rise and Run. The rise of steps and stairs shall not be less than 4 inches (102 mm) nor more than 7-1/2 inches (190 mm). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Except as permitted in Sections 1003.3.3.8.1, 1003.3.3.8.2 and 1003.3.3.8.3, the run shall not be less than 10 inches (254 mm), as measured horizontally between the vertical planes of the furthest projections of adjacent treads or nosings. Stair treads shall be of uniform size and shape, except the largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

EXCEPTIONS:

1. Private steps and stairways serving an occupant load of less than 10 and stairways to unoccupied roofs may be constructed with an 8-inch-maximum (203 mm) rise and a 9-inch-minimum (229 mm) run.
2. Where the bottom or top riser adjoins a sloping public way, walk or driveway having an established grade and serving as a landing, the bottom or top riser may be reduced along the slope.

Where Exception 2 to Section 1103.2.2 is used in a building design, the run of stair treads shall not be less than 11 inches (279 mm), as measured horizontally between the vertical planes of the furthest projections of adjacent tread. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

1003.3.3.6 Handrails. Stairways shall have handrails on each side, and every stairway required to be more than 88 inches (2235 mm) in width shall be provided with not less than one intermediate handrail for each 88 inches (2235 mm) of required width. Intermediate handrails shall be spaced approximately equally across the entire width of the stairway.

EXCEPTIONS:

1. Stairways less than 44 inches (1118 mm) in width or stairways serving one individual dwelling unit in Group R, Division 1 or 3 Occupancies or a Group R, Division 3 congregate residence may have one handrail. This exception shall not be used concurrently with the second exception to the first paragraph of Section 1103.2.2.
2. Private stairways 30 inches (762 mm) or less in height may have handrails on one side only. This exception shall not be used concurrently with the second exception to the first paragraph of Section 1103.2.2.
3. Stairways having less than four risers and serving one individual dwelling unit in Group R, Division 1 or 3, or a Group R, Division 3 congregate residence or Group U Occupancies need not have handrails.

The top of handrails and handrail extensions shall be placed not less than 34 inches (864 mm) or more than 38 inches (965 mm) above landings and the nosing of treads. Handrails shall be continuous the full length of the stairs and, except for private stairways, at least one handrail shall extend in the direction of the stair run not less than 12 inches (305 mm) beyond the top riser nor less than a length equal to one tread depth plus 12 inches (305 mm) beyond the bottom riser. Ends shall be returned or shall terminate in newel posts or safety terminals.

EXCEPTIONS:

1. Private stairways do not require handrail extensions.

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2. Handrails may have starting newel posts within the first tread on stairways in Group R, Division 3 Occupancies and within individual dwelling units of Group R, Division 1 Occupancies.

The handgrip portion of handrails shall not be less than 1 1/4 inches (32 mm) nor more than 2 inches (51 mm) in cross-sectional dimension or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners. Handrails projecting from a wall shall have a space of not less than 1 1/2 inches (38 mm) between the wall and the handrail.

1003.3.3.13 Stairway Identification. Stairway identification signs shall be located at each floor level in all enclosed stairways in buildings four or more stories in height. The sign shall identify the stairway, indicate whether or not there is roof access, the floor level, and the upper and lower terminus of the stairway. The sign shall be located approximately 5 feet (1524 mm) above the landing floor in a position that is readily visible when the door is in either the open or closed position. Signs shall comply with requirements of U.B.C. Standard 10-2. Each door to a floor level also shall have a tactile sign, including raised letters and Braille, identifying the floor level and shall comply with Part II of Chapter 11.

1003.3.4.4 Landings (Ramps). Ramps having slopes steeper than 1 unit vertical in 15 units horizontal (6.7% slope) shall have landings at the top and bottom, and at least one intermediate landing shall be provided for each 5 feet (1524 mm) of vertical rise measured between the horizontal planes of adjacent landings. Landing shall have a dimension measured in the direction of ramp run of not less than 5 feet (1524 mm). Landings shall provide maneuvering clearances at doors as required in Chapter 11.

1003.3.4.5 Handrails (Ramps). Ramps having slopes steeper than 1 unit vertical in 15 units horizontal (6.7% slope) shall have handrails as required for stairways, except that intermediate handrails shall not be required. At least one handrail shall extend in the direction of ramp run not less than 12 inches (305 mm) horizontally beyond the top and bottom of the ramp runs. Ramped aisles serving fixed seating shall have handrails as required in Section 1004.3.2.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1004 The exit access.

1004.3.2.3.1 Width. The clear width of aisles shall be based on the number of fixed seats served by the aisle. The required width of aisles serving fixed seats shall not be used for any other purpose.

The clear width of an aisle in inches shall not be less than the occupant load served by the aisle multiplied by 0.3 for aisles with slopes greater than 1 unit vertical to 8 units horizontal (12.5% slope) and not less than 0.2 for aisles with a slope of 1 unit vertical to 8 units horizontal (12.5% slope) or less. In addition, when the rise of steps in aisles exceeds 7 inches (178 mm), the aisle clear width shall be increased by 1 1/4 inches (32 mm) for each 100 occupants or fraction thereof

served for each 1/4 inch (6.35 mm) of riser height above 7 inches (178 mm).

EXCEPTION: For buildings with smoke-protected assembly seating and for which an approved life-safety evaluation is conducted, the minimum clear width of aisles and other means of egress may be in accordance with Table 10-D. For Table 10-D, the number of seats specified must be within a single assembly area, and interpolation shall be permitted between the specified values shown. If Table 10-D is used the minimum clear widths shown shall be modified in accordance with the following:

1. Where risers exceed 7 inches (178 mm) in height, multiply the stairway width in the tables by factor A, where:

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ inches})}{5} \quad (4-1)$$

For SI:

$$A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$$

Where risers do not exceed 7 inches (178 mm) in height, A = 1.

2. Stairways not having a handrail within a 30-inch (762 mm) horizontal distance shall be 25 percent wider than otherwise calculated, i.e., multiply by B = 1.25. For all other stairs, B = 1.

3. Ramps steeper than 1 unit vertical in 10 units horizontal (10% slope) where used in ascent shall have their width increased by 10 percent, i.e., multiply by C = 1.10. For ramps not steeper than 1 unit vertical in 10 units horizontal (10% slope), C = 1. Where fixed seats are arranged in rows, the clear width of aisles shall not be less than set forth above or less than the following minimum widths:

3.1 Forty-eight inches (1219 mm) for stairways having seating on both sides.

3.2 Thirty-six inches (914 mm) for stairways having seating on one side.

3.3 Twenty-three inches (584 mm) between a stairway handrail and seating where the aisles are subdivided by the handrail.

3.4 Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

3.5 Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.

3.6 Twenty-three inches (584 mm) between a stairway handrail and seating where an aisle does not serve more than five rows on one side.

Where exit access is possible in two directions, the width of such aisles shall be uniform throughout their length. Where aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.

1004.3.2.5.2 Where required. Aisles with a slope steeper than 1 unit vertical in 8 units horizontal (12.5% slope) shall consist of a series of risers and treads extending across the entire width of the aisle, except as provided in Section 1004.3.2.6.

The height of risers shall not be more than 8 inches (203 mm) nor less than 4 inches (102 mm) and the tread run shall not be less than 11 inches (279 mm). The riser height shall be uniform within each flight and the tread run shall be uniform throughout the aisle. Variations in run or height between adjacent treads or risers shall not exceed 3/16 inch (4.8 mm).

EXCEPTION:

Where the slope of aisle steps and the adjoining seating area is the same, the riser heights may be increased to a maximum of 9 inches (229 mm) and may be non-uniform, but only to the extent necessitated by changes in the slope of the adjoining seating area to maintain adequate sight lines. Variations may exceed 3/16 inch (4.8 mm) between adjacent risers, provided the exact location of such variations is identified with a marking stripe on each tread at the nosing or leading edge adjacent to the nonuniform riser. The marking stripe shall be distinctively different from the contrasting marking stripe.

A contrasting marking stripe or other approved marking shall be provided on each tread at the nosing or leading edge such that the location of each tread is readily apparent when viewed in descent. Such stripe shall be a minimum of 1 inch (25 mm) wide and a maximum of 2 inches (51 mm) wide.

EXCEPTION: The marking stripe may be omitted where tread surfaces are such that the location of each tread is readily apparent when viewed in descent.

1004.3.2.6 Ramp Slope. The slope of ramped aisles shall not be more than 1 unit vertical in 8 units horizontal (12.5% slope). Ramped aisles shall have a slip-resistant surface.

EXCEPTION: When provided with fixed seating, theaters may have a slope not steeper than 1 unit vertical in 5 units horizontal (20% slope).

1004.3.2.7 Handrails. Handrails shall comply with the height, size and shape dimensions set forth in Section 1003.3.3.6, and ends shall be returned or shall have rounded terminations or bends. Ramped aisles having a slope steeper than 1 unit vertical in 15 units horizontal (6.7% slope) and aisle stairs (two or more adjacent steps) shall have handrails located either at the side or within the aisle width. Handrails may project into the required aisle width a distance of 3 1/2 inches (89 mm).

EXCEPTIONS:

1. Handrails may be omitted on ramped aisles having a slope not steeper than 1 unit vertical in 5 units horizontal (20% slope) and having fixed seats on both sides of the aisle.
2. Handrails may be omitted where a guardrail is at the side of an aisle that conforms to the size and shape requirements for handrails.

Handrails located within the aisle width shall be discontinuous with gaps or breaks at intervals not to exceed five rows. These gaps or breaks shall have a clear width of not less than 22 inches (559 mm) not more than 36 inches (914 mm) measured horizontally.

1004.3.4.5 Elevators. Elevators opening into a corridor shall be provided with an elevator lobby at each floor containing such a corridor. The lobby shall completely separate the elevators from the corridor by construction conforming to Section 1004.3.4.3.1 and all openings into the lobby wall contiguous with the corridor shall be protected as required by Section 1004.3.4.3.2.

EXCEPTIONS:

1. In office buildings, separations need not be provided from a street floor lobby, provided the entire street floor is protected with an automatic sprinkler system.
2. Elevators not required to meet the shaft enclosure requirements of Section 711.

3. When additional doors are provided in accordance with Section 3007. Additional doors shall comply with Section 1004.3.4.3.2.

4. Where elevator shafts are pressurized in accordance with Section 905, elevator lobbies need not be provided.

5. Elevator lobbies located within an atrium complying with the provisions of Section 402.

6. In fully sprinklered office buildings, corridors may lead through enclosed elevator lobbies if all areas of the building have access to at least one required means of egress without passing through the elevator lobby.

Elevator lobbies shall comply with Section 3002.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1103 Section 1103—Building accessibility.

Section 1103.1 Where Required.

1103.1.1 General. Accessibility to temporary or permanent buildings or portions thereof shall be provided for all occupancy classifications except as modified by this chapter. See also Appendix Chapter 11.

EXCEPTIONS:

1. Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits, observation galleries used primarily for security purposes, elevator penthouses, nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, narrow passageways, or freight elevators, piping and equipment catwalks and machinery, mechanical and electrical equipment rooms.
2. Temporary structures, sites and equipment directly associated with the construction process such as construction site trailers, scaffolding, bridging, or material hoists are not required to be accessible. This exception does not include walkways or pedestrian protection required by Chapter 30.

1103.1.2 Group A Occupancies.

1103.1.2.1 General. All Group A Occupancies shall be accessible as provided in this chapter.

EXCEPTION: In the assembly areas of dining and drinking establishments or religious facilities which are located in non-elevator buildings; where the area of mezzanine seating is not more than 25 percent of the total seating, an accessible means of vertical access to the mezzanine is not required, provided that the same services are provided in an accessible space which is not restricted to use only by persons with disabilities. Comparable facilities shall be available in all seating areas.

In banquet rooms or spaces where the head table or speaker's lectern is located on a permanent raised platform, the platform shall be accessible in compliance with Section 1106. Open edges on the raised platform shall be protected by a curb with a height of not less than 2 inches (51 mm).

Stadiums, theaters, auditoriums and similar occupancies shall provide wheelchair spaces in accordance with Table No. 11-A.

Wheelchair spaces shall be accessible and shall be located in places with unobstructed sight lines. Wheelchair spaces shall be reasonably distributed throughout the seating

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plan and located on an accessible route of travel. At least one companion fixed seat shall be provided next to each wheelchair space. Removable seats shall be permitted in the wheelchair spaces.

In addition, one percent, but not less than one, of all fixed seats shall be aisle seats with no armrests, or shall have removable or folding armrests on the aisle side. Each such seat shall be identified by a sign complying with Section 1106.16.1.1.

An accessible route of travel shall connect wheelchair seating locations with performance areas, including stages, arena floors, dressing rooms, locker rooms, and other spaces used by performers.

1103.1.2.2 Assistive listening devices. Assistive listening systems complying with Section 1106.21.2 shall be installed in assembly areas where audible communications are integral to the use of the space including stadiums, theaters, auditoriums, lecture halls, and similar areas; where fixed seats are provided, as follows:

1. Areas with an occupant load of 50 or more.
2. Areas where an audio-amplification system is installed.

Receivers for assistive listening systems shall be provided at a rate of 4 percent of the total number of seats, but in no case fewer than two receivers. In other assembly areas, where permanently installed assistive listening systems are not provided, electrical outlets shall be provided at a rate of not less than 4 percent of the total occupant load.

Signage complying with Section 1106.16.1.3 shall be installed to notify patrons of the availability of the listening system.

1103.1.3 Group B, F, M and S Occupancies. All Group B, F, M and S Occupancies shall be accessible as provided in this chapter. Assembly spaces in Group B, F, M and S Occupancies shall comply with Section 1103.1.2.2.

1103.1.4 Group E Occupancies. All Group E Occupancies shall be accessible as provided in this chapter. Assembly spaces in Group E Occupancies shall comply with Section 1103.1.2.2.

1103.1.5 Group H Occupancies. All Group H Occupancies shall be accessible as provided in this chapter.

1103.1.6 Group I Occupancies. All Group I Occupancies shall be accessible in all public use, common use, and employee use areas, and shall have accessible patient rooms, cells, and treatment or examination rooms as follows:

1. In Group I, Division 1.1 patient care units within hospitals which specialize in treating conditions that affect mobility, all patient rooms in each nursing unit including associated toilet rooms and bathrooms.

2. In Group I, Division 1.1 patient care units within hospitals which do not specialize in treating conditions that affect mobility, at least 1 in every 10 patient rooms in each

nursing unit, including associated toilet rooms and bathrooms.

3. In Group I, Division 1.1 and Division 2 nursing homes and long-term care facilities, at least 1 in every 2 patient rooms, including associated toilet rooms and bathrooms.

4. In Group I, Division 3 mental health occupancies, at least 1 in every 10 patient rooms, including associated toilet rooms and bathrooms.

5. In Group I, Division 3 jail, prison and similar occupancies, at least 1 in every 100 rooms or cells, including associated toilet rooms and bathrooms.

6. In Group I Occupancies, all treatment and examination rooms shall be accessible.

In Group I Division 1.1 and 2 Occupancies, at least one accessible entrance that complies with Section 1103.2 shall be under shelter. Every such entrance shall include a passenger loading zone which complies with Section 1108.2.

1103.1.7 Group U Occupancies. Group U, Division 1 Occupancies shall be accessible as follows:

1. Private garages and carports which contain accessible parking serving Type A dwelling units, accessible hotel and lodging rooms and congregate residences.

2. In Group U, Division 1 agricultural buildings, access need only be provided to paved work areas and areas open to the general public.

1103.1.8 Group R Occupancies.

1103.1.8.1 General. All Group R Occupancies shall be accessible as provided in this chapter. Public- and common-use areas and facilities such as recreational facilities, laundry facilities, garbage and recycling collection areas, mailbox locations, lobbies, foyers, and management offices shall be accessible.

EXCEPTIONS: Common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance with Section 1103.1.8.2.

1103.1.8.2 Number of dwelling units. In all Group R, Division 1 apartment buildings the total number of Type A dwelling units shall be as required by Table No. 11-B. All other dwelling units shall be designed and constructed to the requirements for Type B units as defined in this chapter.

EXCEPTIONS:

1. Group R Occupancies containing no more than three dwelling units need not be accessible.
2. Dwelling units in Group R, Division 1 apartment buildings which are located on floors other than the ground floor where no elevator is ((provided)) required within the building need not comply with standards for Type B dwelling units; provided:
 - 2.1. Where the ground floor is not a Group R Occupancy, the first level of Group R Occupancy, including dwelling units, shall be accessible; and
 - 2.2. The number of Type A dwelling units provided shall not be reduced below the number required by Table No. 11-B. See also Section 1105.3.1.
3. Dwelling units with two or more stories in a non-elevator building need not comply with standards for Type B dwelling units.

4. For sites where multiple, non-elevator buildings are planned for a single site and where portions of the site have grades prior to development which exceed 10 percent, the building official may approve the following modifications:

4.1. Number of Dwelling Units:

4.1.1. The number of Type B dwelling units provided may be reduced to a percentage of the ground floor units which is equal to the percentage of the entire site having grades prior to development which are 10 percent or less; but in no case shall the number of Type B dwelling units be less than 20 percent of the ground floor dwelling units on the entire site; and

4.1.2. The number of Type A dwelling units provided shall not be reduced below the number required by Table No. 11-B; and

4.2. Both Type A and B dwelling units may be located in the building or buildings located on the portion of the site where the grade prior to development has slopes of 10 percent or less; and

4.3. Common-use facilities accessory to buildings not required to contain either Type A or B dwelling units in accordance with Item 4.1.1, above, need not be accessible unless there are no other similar facilities provided on the site.

See also Appendix Chapter 11, Division I.

1103.1.8.3 Hotels and lodging houses. In all hotels and lodging houses, accessible guest rooms, including associated bathing, shower, and toilet facilities, shall be provided in accordance with Table 11-C. In addition, sleeping rooms or suites for persons with hearing impairments shall be provided in accordance with Table 11-D. In addition, public- and common-use areas of all hotels and lodging houses shall be accessible.

EXCEPTION: Group R, Division 3 lodging houses that are occupied by the owner or proprietor of the lodging house.

Required sleeping rooms for persons with hearing impairments shall have visible alarms complying with Section 1106.15. Such rooms shall have installed telephones complying with Section 1106.14.3, and an electrical outlet installed within 48 inches (1220 mm) of the telephone connection. Such rooms shall have devices separate from the visible alarm system which provide visible notification of incoming telephone calls and door bell actuation.

Where provided in accessible guest rooms the following facilities shall be accessible: dining areas; kitchens; kitchenettes; wet bars; patios; balconies; terraces; or similar facilities.

1103.1.8.4 Proportional distribution. Accessible dwelling units shall be apportioned among efficiency dwelling units, single bedroom units and multiple bedroom units, in proportion to the numbers of such units in the building. Accessible hotel guest rooms shall be apportioned among the various classes of sleeping accommodations.

1103.1.8.5 Congregate residences. In congregate residences with multi-bed rooms or spaces, a percentage equal to the minimum number of accessible rooms required by Table No. 11-C shall be accessible in accordance with Section 1106.26.

EXCEPTION: Congregate residences with 10 or fewer occupants need not be accessible.

1103.1.9 Other parking facilities. Principal use parking facilities which are not accessory to the use of any building or structure shall provide accessible spaces in accordance with Table No. 11-F.

1103.2 Design and Construction.

1103.2.1 General. When accessibility is required by this chapter, it shall be designed and constructed in accordance with this chapter.

1103.2.2 Accessible route of travel. When a building, or portion of a building, is required to be accessible, an accessible route of travel shall be provided to all portions of the building, to accessible building entrances, and connecting the building and the public way. The accessible route of travel to areas of primary function may serve but shall not pass through kitchens, storage rooms, toilet rooms, bathrooms, closets, or other similar spaces.

EXCEPTIONS:

1. A single accessible route shall be permitted to pass through a kitchen or storage room in an accessible dwelling unit.

2. An accessible route of travel need not be provided between floor levels, provided that:

All floor levels in the building contain less than 3,000 square feet (278.7 m²) each; or

Where only two floor levels are provided, either floor is less than 3,000 square feet (278.7 m²).

This exception shall not apply to:

2.1. The offices of health care providers; or,

2.2. Transportation facilities and airports; or,

2.3. Buildings owned or leased by government agencies; or

2.4. Multi-tenant Group M retail and wholesale occupancies of five tenant spaces or more.

3. For sites where natural terrain or other unusual property characteristics do not allow the provisions of an accessible route of travel from the public way to the building, the point of vehicular debarkation may be substituted for the accessible entrance to the site.

4. In a one story building without a basement, an accessible route of travel need not be provided to mezzanine floors containing less than 3,000 square feet.

(For Group R, Division 1 occupancies, see Section 1105.3.1.)

Accessible routes of travel serving any accessible space or element shall also serve as a means of egress for emergencies or connect to an area of evacuation assistance.

Where more than one building or facility is located on a site, accessible routes of travel shall connect accessible buildings and accessible site facilities. The accessible route of travel shall be the most practical direct route connecting accessible building entrances, accessible site facilities and the accessible site entrances.

1103.2.3 Primary entrance access. At least 50% of all public entrances, or a number equal to the number of exits required by Section 1004.2.3, whichever is greater, shall be accessible. One of the accessible public entrances shall be the primary entrance to a building. At least one accessible entrance must be a ground floor entrance. Public entrances do not include loading or service entrances.

EXCEPTION:

In Group R, Division 1 apartment buildings only the primary entrance need be accessible, provided that the

primary entrance provides an accessible route of travel to all dwelling units required to be accessible.

Where a building is designed not to have common or primary entrances, the primary entrance to each individual dwelling unit required to be accessible, and each individual tenant space, shall be accessible.

1103.2.4 Signs.

1103.2.4.1 International Symbol of Access. The following elements and spaces of accessible facilities shall be identified by the International Symbol of Access:

1. Accessible parking spaces.
2. Accessible entrance when not all entrances are accessible (inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance).

EXCEPTION: Individual entrances into dwelling units.

3. Accessible passenger loading zone(s).

4. Accessible toilet and bathing facilities when not all are accessible.

EXCEPTION: Toilet and bathing facilities within dwelling units, patient rooms and guest rooms.

At every major junction along or leading to an exterior accessible route of travel, there shall be a sign displaying the International Symbol of Access. Signage shall indicate the direction to accessible entrance and facilities.

See also Sections 1103.1.2.1, 1104.2.5 and 1106.24.3.

1103.2.4.2 Other signs. Where provided, signs which identify permanent rooms and spaces shall comply with Sections 1106.16.2, 1106.16.3 and 1106.16.5. Where provided, other signs which provide direction to or information about the building or portion of a building shall comply with Sections 1106.16.3 and 1106.16.4.

EXCEPTION: Building directories and all temporary signs.

In hotels and lodging houses, a list of accessible guest rooms shall be posted permanently in a location not visible to the general public, for staff use at each reception or check-in desk.

In assembly areas, a sign notifying the general public of the availability of accessible seating and assistive listening systems shall be provided at ticket offices or similar locations.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1104 Section 1104—Egress and areas of evacuation assistance.

Section 1104.1 General. In buildings or portions of buildings required to be accessible, accessible means of egress shall be provided in the same number as required for exits by Chapter 10. When an exit required by Chapter 10 is not accessible, an area for evacuation assistance shall be provided.

EXCEPTION: Areas of evacuation assistance are not required in buildings (~~where an approved, automatic fire extinguishing system is~~) having a supervised automatic sprinkler system installed in accordance with U.B.C. Standard No. 9-1 (~~(, provided that quick response sprinkler heads are used where allowed by the standard; and that a written fire and life safety emergency plan, which specifically addresses the evacuation of persons with disabilities, is approved by the building official and the fire chief).~~).

Every area for evacuation assistance shall comply with the requirements of this code and shall adjoin an accessible route of travel which shall comply with Section 1106.

1104.2 Areas for Evacuation Assistance.

1104.2.1 Location and construction. An area for evacuation assistance shall be one of the following:

1. A portion of a landing within a smokeproof enclosure, complying with Section 1005.3.3.

2. A portion of an exterior exit balcony, located immediately adjacent to an exit stairway, when the exterior exit balcony complies with Section 1006.3.2. Openings to the interior of the building located within 20 feet (6096 mm) of the area for evacuation assistance shall be protected with fire assemblies having a three-fourths-hour fire-protection rating.

3. A portion of a one-hour fire-resistive corridor complying with Sections 1004.3.4.3, 1004.3.4.3.1 and 1004.3.4.3.2 located immediately adjacent to an exit enclosure.

4. A vestibule located immediately adjacent to an exit enclosure and constructed to the same fire-resistive standards as required by Section 1004.3.4.3, 1004.3.4.3.1 and 1004.3.4.3.2.

5. A portion of a stairway landing within an exit enclosure which is vented to the exterior and is separated from the interior of the building by not less than one-hour fire-resistive door assemblies.

6. When approved by the building official, an area or room which is separated from other portions of the building by a smoke barrier. Smoke barriers shall have a fire-resistive rating of not less than one hour and shall completely enclose the area or room. Doors in the smoke barrier shall be tight-fitting smoke-and draft-control assemblies having a fire-protection rating of not less than 20 minutes and shall be self-closing or automatic closing. The area or room shall be provided with an exit directly to an exit enclosure. When the room or area exits into an exit enclosure which is required to be of more than one-hour fire-resistive construction, the room or area shall have the same fire-resistive construction, including the same opening protection, as required for the adjacent exit enclosure.

7. An elevator lobby complying with Section 1104.4.

1104.2.2 Size. Each area for evacuation assistance shall provide at least two wheelchair spaces not smaller than 30 inches by 48 inches (760 mm by 1220 mm) for each space. The area for evacuation assistance shall not encroach on any required exit width. The total number of such wheelchair spaces per

story shall not be less than 1 for every 200 persons of calculated occupant load served by the area for evacuation assistance.

EXCEPTION: The building official may reduce the minimum number of 30-inch (760 mm) by 48-inch (1220 mm) areas to one for each area for evacuation assistance on floors where the occupant load is less than 200.

1104.2.3 Stairway width. Each stairway adjacent to an area for evacuation assistance shall have a minimum clear width of 48 inches (1220 mm) between handrails.

1104.2.4 Two-way communication. A telephone with controlled access to a public telephone system or another method of two-way communication shall be provided between each area for evacuation assistance and the primary entrance. The telephone or other two-way communication system shall be located with the reach ranges specified in Section 1106.2.4. The fire department may approve location other than the primary entrance. The communication system shall not require voice communication.

1104.2.5 Identification. Each area for evacuation assistance shall be identified by a sign which states: **AREA FOR EVACUATION ASSISTANCE** and the International Symbol of Access. The sign shall be illuminated when exit sign illumination is required. The sign shall comply with Sections 1003.2.8.4 and 1003.2.8.5. In each area for evacuation assistance, instructions on the use of the area under emergency conditions shall be posted adjoining the two-way communication system.

1104.3 Accessible Exits. All exterior exits which are located adjacent to accessible areas and within 6 inches (152 mm) of grade shall be accessible.

1104.4 Area for Evacuation Assistance, High-Rise Alternative. Within a building of any height or occupancy, constructed in accordance with the requirements of Section 403, an area for evacuation assistance may be located in the elevator lobby, or adjacent to the elevator where no lobby is required, when:

1. The area for evacuation assistance complies with the requirements for size, two-way communication and identification as specified in Section 1104.2; and,

2. Elevator shafts are pressurized as required for smokeproof enclosures in Section 1005.3.3. Such pressurization system shall be activated by smoke detectors on each floor located in a manner approved by the building official. Pressurization equipment and its ductwork within the building shall be separated from other portions of the building by a minimum of two-hour fire-resistive construction.

3. The manager of the building has established and maintains a written fire- and life-safety emergency plan which, in addition to other provisions, shall specifically address the evacuation of persons with disabilities. Such plan shall be approved by the building official and the fire chief.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1105 Section 1105—Facility accessibility.

Section 1105.1 General. Where buildings are required to be accessible, building facilities shall be accessible to persons with disabilities as provided in this section. For Group R, Division 1 apartment buildings, where specific floors of a building are required to be accessible, the requirements shall apply only to the facilities located on accessible floors.

All building facilities or elements required by this section to be accessible shall be designed and constructed in accordance with Section 1106.

1105.2 Bathing and Toilet Facilities.

1105.2.1 Bathing facilities. When bathing facilities are provided, at least 2 percent, but not less than 1, bathtub or shower shall be accessible. In dwelling units where a separate bathtub and shower are provided in the same room, at least one shall be accessible.

1105.2.2 Toilet facilities. Toilet facilities located within accessible dwelling units, guest rooms, and congregate residences shall comply with Sections 1106.11 and 1106.27.

EXCEPTION: Within accessible dwelling units, only one toilet facility need be accessible.

In each toilet facility in other occupancies, at least one wheelchair accessible toilet stall with an accessible water closet shall be provided. In addition, when there are 6 or more water closets within a toilet facility, at least one ambulatory accessible toilet stall complying with Section 1106.11.4 shall also be installed.

Where urinals are provided, at least one urinal shall be accessible.

1105.2.3 Lavatories, mirrors and towel fixtures. At least one accessible lavatory shall be provided within any toilet facility. Where mirrors, towel fixtures and other toilet and bathroom accessories are provided, at least one of each shall be accessible.

1105.2.4 Adaptable fixtures in dwelling units. See Section 1106.27.2 for adaptable fixtures in dwelling units.

1105.3 Elevators, Platform Lifts and Stairways.

1105.3.1 Elevators.

1105.3.1.1 Where required. In multi-story buildings or portions thereof required to be accessible by Section 1103, at least one elevator shall serve each level, including mezzanines. Other than within an individual dwelling unit, where an elevator is provided but not required, it shall be accessible.

EXCEPTIONS:

1. In Group R, Division 1 apartment occupancies, an elevator is not required where accessible dwelling units and guest rooms are accessible by ramp or by grade level route of travel.
2. In a building of fewer than three stories, an elevator is not required where ramps, grade-level entrances or

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accessible horizontal exits from an adjacent building, are provided to each floor.

3. In multi-story parking garages, an elevator is not required where an accessible route of travel is provided from accessible parking spaces on levels with accessible horizontal connections to the primary building served.

4. In Group R, Division 1 hotels and lodging houses, less than 3 stories in height, an elevator is not required, provided that all accessible guest rooms are located on the ground floor.

1105.3.1.2 Design. All elevators shall be accessible.

EXCEPTIONS:

1. Private elevators serving only one dwelling unit.
2. Where more than one elevator is provided in the building, elevators used exclusively for movement of freight.

Elevators required to be accessible shall be designed and constructed to comply with Chapter 296-81 of the Washington Administrative Code.

1105.3.2 Platform lifts. Platform lifts may be used in lieu of an elevator under one of the following conditions subject to approval by the building official:

1. To provide an accessible route of travel to a performing area in a Group A Occupancy; or,
2. To provide unobstructed sight lines and distribution for wheelchair viewing positions in Group A Occupancies; or
3. To provide access to spaces with an occupant load of less than 5 that are not open to the public; or,
4. To provide access where existing site or other constraints make use of a ramp or elevator infeasible.

All platform lifts used in lieu of an elevator shall be capable of independent operation and shall comply with Chapter 296-81 of the Washington Administrative Code.

1105.3.3 Stairways. Stairways shall comply with Section 1106.9.

1105.4 Other Building Facilities.

1105.4.1 Water fountains. On any floor where water fountains are provided, at least 50 percent, but in no case less than one fountain, shall be accessible complying with Section 1106.13 and at least one fountain shall be mounted at a standard height.

1105.4.2 Telephones. On any floor where public telephones are provided at least one telephone shall be accessible. On any floor where 2 or more banks of multiple telephones are provided, at least one telephone in each bank shall be accessible and at least one telephone per floor shall be designed to allow forward reach complying with Section 1106.2.4.5.

Where any bank of public telephones consists of 3 or more telephones, at least one telephone in each bank shall be equipped with a shelf and electrical outlet complying with Section 1106.14.7.

All accessible telephones and at least 25 percent of all other public telephones, but in no case less than one, shall be provided with volume controls in accordance with Section

1106.14.3 and shall be dispersed among the public telephones provided in the building.

Where four or more public telephones are provided at a building site, and at least one is in an interior location, at least one interior telephone shall be a text telephone in accordance with Section 1106.14.

Where interior public pay phones are provided in transportation facilities; assembly and similar areas including stadiums and arenas; convention centers; hotels with convention facilities; or covered malls; or in or adjacent to hospital emergency, recovery, or waiting rooms; at least one interior text telephone shall be provided.

1105.4.3 Kitchens. Kitchens within accessible dwelling units shall be designed in accordance with Sections 1106.12 and 1106.27.

EXCEPTION: Kitchens in Type B dwelling units need not comply with Section 1106.12.1 (See Section 1106.27.1).

Kitchens, kitchenettes, or wet bars in other than dwelling units, which are provided accessory to a sleeping room, guest room, or suite, shall be designed in accordance with Section 1106. Countertops and sinks shall be no more than 34 inches (865 mm) above the finished floor. At least 50 percent of shelf space in cabinets and appliances shall be within the reach ranges of Section 1106.2.4.

1105.4.4 Recreation facilities. Where common- or public-use recreational facilities, swimming pools, hot tubs, spas, and similar facilities are provided, they shall be accessible. Swimming pools shall be accessible by transfer tier, hydraulic chair, ramp, or other means. Hot tubs and spas need be accessible only to the edge of the facility.

EXCEPTION: For Group R, Division 1 apartment occupancies, common- or public-use facilities accessory to buildings not required to contain either Type A or Type B dwelling units in accordance with Section 1103.1.8.2.

1105.4.5 Fixed or built-in seating or tables. Where fixed or built-in seating or tables are provided, at least 5 percent, but no fewer than one, shall be accessible. Accessible fixed or built-in seating or tables shall comply with Section 1106.19. In eating and drinking establishments, such seating or tables shall be distributed throughout the facility.

1105.4.6 Storage facilities. In other than Group R, Division 1 apartment buildings, where fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces, at least one of each type provided shall contain storage space complying with Section 1106.18.

1105.4.7 Customer service facilities.

1105.4.7.1 Dressing and fitting rooms. Where dressing or fitting rooms are provided for use by the general public, patients, customers or employees, 5 percent, but not less than one, in each group of rooms serving distinct and different functions shall be accessible in accordance with Section 1106.24.

1105.4.7.2 Counters and windows. Where customer sales and service counters or windows are provided, a portion of

the counter, or at least one window, shall be accessible in accordance with Section 1106.24.2.

1105.4.7.3 Shelving and display. Self-service shelves or display units in retail occupancies shall be located on an accessible route of travel in accordance with Section 1103.2.2. Not all self-service shelves and display units need be located within reach ranges required by Section 1106.2.4.

1105.4.7.4 Check-out aisles. Accessible check-out aisles shall be installed in accordance with Table No. 11-E and Section 1106.24.3.

1105.4.7.5 Food service lines. Where self-service shelves are provided in dining and drinking establishments, at least 50 percent of each type shall comply with Sections 1106.2 and 1106.22.

1105.4.8 Controls, operating mechanisms, and hardware. Controls, operating mechanisms, and hardware, including; switches that control lighting, ventilation or electrical outlets; in accessible spaces, along accessible routes or as parts of accessible elements, shall comply with Section 1106.3.

1105.4.9 Alarms. Where provided, alarm systems shall include both audible and visible alarms. Visible alarm devices shall be located in all assembly areas; common-use areas, including toilet rooms and bathing facilities; hallways and lobbies; and hotel guest rooms as required by Section 1103.1.8.3.

EXCEPTIONS:

1. Alarm systems in Group I, Division 1.1 and 2 Occupancies may be modified to suit standard health care design practice.
2. Visible alarms are not required in Group R, Division 1 apartment buildings.
3. Visible alarms are not required in employee assigned work areas, whether they are single or multiple work stations.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1106 Section 1106—Accessible design and standards.

Section 1106.1 General. Where accessibility is required by this chapter, buildings and facilities shall be designed and constructed in accordance with this section, unless otherwise specified in this chapter.

1106.2 Space Allowance and Reach Ranges.

1106.2.1 Wheelchair passage width. The minimum clear width for single wheelchair passage shall be 36 inches (915 mm). The minimum width for two wheelchairs to pass is 60 inches (1525 mm).

EXCEPTION: The minimum width for single wheelchair passage may be 32 inches (815 mm) for a maximum distance of 24 inches (610 mm).

1106.2.2 Wheelchair turning spaces. Wheelchair turning spaces shall be designed and constructed to satisfy one of the following requirements:

1. A turning space not less than 60 inches (1525 mm) in diameter; or,

2. A turning space at T-shaped intersections or within a room, where the minimum width is not less than 36 inches (915 mm). Each segment of the T shall be clear of obstructions not less than 24 inches (610 mm) in each direction.

Wheelchair turning space may include knee and toe clearance in accordance with Section 1106.2.4.3.

1106.2.3 Unobstructed floor space. A floor space, including the vertical space above such floor space, which is free of any physical obstruction including door swings, to a height of 29 inches (737 mm). Where a pair of doors occurs, the swing of the inactive leaf may be considered to be unobstructed floor space. Unobstructed floor space may include toe spaces that are a minimum of 9 inches (230 mm) in height and not more than 6 inches (152 mm) in depth.

1106.2.4 Clear floor or ground spaces and maneuvering clearance space for wheelchairs.

1106.2.4.1 Size. The minimum clear floor or ground space required to accommodate a single, stationary wheelchair occupant shall be not less than 30 inches (760 mm) by 48 inches (1220 mm).

1106.2.4.2 Approach. Wheelchair spaces shall be designed to allow for forward or parallel approach to an accessible feature.

1106.2.4.3 Knee and toe clearances. Spaces under obstructions, work surfaces or fixtures may be included in the clear floor or ground space provided that they are at least 30 inches (760 mm) in width, a minimum of 27 inches (685 mm) in height, and not greater than 25 inches (635 mm) in depth. Toe spaces under obstructions, work surfaces or fixtures which comply with the requirements for unobstructed floor space may be included in the clear floor or ground space.

1106.2.4.4 Approach to wheelchair spaces. One full unobstructed side of the clear floor or ground space for a wheelchair shall adjoin or overlap an accessible route of travel, or shall adjoin another wheelchair clear space. Clear space located in an alcove or otherwise confined on all or part of three sides shall be not less than 36 inches (915 mm) in width where forward approach is provided, or 60 inches (1525 mm) in width where parallel approach is provided.

1106.2.4.5 Forward reach. Where the clear floor space allows only forward approach to an object, the maximum forward reach allowed shall not be higher than 48 inches (1220 mm). Reach obstructions 20 inches (510 mm) or less in depth may project into the clear space provided that knee clearance is maintained in accordance with Section 1106.2.4.3. Reach obstructions greater than 20 inches (510 mm) in depth may project into the clear space provided that the reach obstruction shall not exceed 25 inches (635 mm) in depth and the maximum forward reach shall not exceed 44 inches (1118 mm) in height. The minimum low forward reach shall not be lower than 15 inches (380 mm).

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1106.2.4.6 Side reach. Where the clear floor space allows parallel approach by a person in a wheelchair, the maximum high side reach allowed shall not be higher than (~~54 inches (1370 mm)~~) 48 inches (1219 mm). Obstructions no greater than 34 inches (865 mm) in height and no more than 24 inches (610 mm) in depth may be located in the side reach area provided that when such obstructions are present, the side reach shall not exceed 46 inches (1170 mm) in height. The minimum low side reach shall not be lower than 9 inches (230 mm).

1106.3 Controls and Hardware.

1106.3.1 Operation. Handles, pulls, latches, locks, and other operating devices on doors, windows, cabinets, plumbing fixtures, and storage facilities, shall have a lever or other shape which will permit operation by wrist or arm pressure and which does not require tight grasping, pinching or twisting to operate. Doors shall comply with Section 1003.3.1.5.

The force to activate controls on lavatories and water fountains and flush valves on water closets and urinals shall not be greater than 5 pounds (22.2 N).

1106.3.2 Mounting heights. The highest operable part of environmental and other controls, dispensers, receptacles, and other operable equipment shall be within at least one of the reach ranges specified in Section 1106.2.4, and not less than 36 inches (915 mm) above the floor. Electrical and communications system receptacles on walls shall be mounted a minimum of 15 inches (380 mm) above the floor. Door hardware shall be mounted at not less than 36 inches (915 mm) and not more than 48 inches (1220 mm) above the floor.

1106.3.3 Clear floor space. Clear floor space that allows a forward or a side approach shall be provided at all controls or hardware.

1106.4 Accessible Route of Travel.

1106.4.1 Width. The minimum clear width of an accessible route of travel shall be 36 inches (915 mm) except at doors (see Section 1106.10.2). Where an accessible route includes a 180 degree turn around an obstruction which is less than 48 inches (1220 mm) in width, the clear width of the accessible route of travel around the obstruction shall be 42 inches (1065 mm) minimum. For exterior accessible routes of travel, the minimum clear width shall be 44 inches (1118 mm).

EXCEPTION: The minimum width for single wheelchair passage may be 32 inches (815 mm) for a maximum distance of 24 inches (610 mm).

Where an accessible route of travel is less than 60 inches (1525 mm) in width, passing spaces at least 60 inches (1525 mm) by 60 inches (1525 mm) shall be located at intervals not to exceed 200 feet (61 m). A T-shaped intersection of two corridors or walks may be used as a passing space.

1106.4.2 Height. Accessible routes shall have a clear height of not less than 79 inches (2007 mm). Where the vertical clearance of an area adjoining an accessible route of travel is less than 79 inches (2007 mm) but more than 27 inches (685

mm), a continuous permanent barrier shall be installed to prevent traffic into such areas of reduced clearance.

1106.4.3 Slope. An accessible route of travel shall have a running slope not greater than 1 vertical in 12 horizontal. An accessible route of travel with a running slope greater than 1 vertical in 20 horizontal shall comply with Section 1106.8. Cross slopes of an accessible route of travel shall not exceed 1 vertical in 48 horizontal.

1106.4.4 Changes in level. Changes in level along an accessible route of travel shall comply with Section 1106.6. Stairs or escalators shall not be part of an accessible route of travel. Any raised area within an accessible route of travel shall be cut through to maintain a level route or shall have curb ramps at both sides and a level area not less than 48 inches (1220 mm) long connecting the ramps.

1106.4.5 Surfaces.

1106.4.5.1 General. All floor and ground surfaces in an accessible route of travel shall comply with Section 1106.7.

1106.4.5.2 Detectable warnings. Curb ramps shall have detectable warnings complying with Section 1106.17. Detectable warnings shall extend the full width and depth of the curb ramp.

1106.4.6 Illumination. Illumination shall be provided along an exterior accessible route of travel at any time the building is occupied, with an intensity of not less than one footcandle (10.76 lx) on the surface of the route.

1106.4.7 Curb ramps.

1106.4.7.1 Slope. Slopes of curb ramps shall comply with Section 1106.8. Transitions from ramps to walks, gutters, or vehicular ways shall be flush and free of abrupt changes in height. Maximum slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp or accessible route of travel shall not exceed 1 vertical in 20 horizontal.

1106.4.7.2 Width. Curb ramps shall be not less than 36 inches (915 mm) in width, exclusive of the required side slopes.

1106.4.7.3 Side slopes of curb ramps. Curb ramps located where pedestrians must walk across the ramp, or where not protected by handrails or guardrails, shall have sloped sides. The maximum side slope shall be 1 vertical in 10 horizontal. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

EXCEPTION: Where the width of the walking surface at the top of the ramp and parallel to the run of the ramp is less than 48 inches (1220 mm), the maximum side slope shall be 1 vertical in 12 horizontal.

1106.4.7.4 Location. Built-up curb ramps shall be located so as not to project into vehicular ways nor be located within accessible parking spaces.

1106.4.7.5 Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

1106.4.7.6 Location at marked cross walks. Curb ramps at marked cross walks shall be wholly contained within the markings, excluding any sloped sides.

1106.4.7.7 Orientation. Curb ramps shall be oriented in the same direction as pedestrian flow of crosswalks; diagonally oriented curb ramps are prohibited.

1106.4.8 Vehicular areas. Where an accessible route of travel crosses or adjoins a vehicular way, and where there are no curbs, railings or other elements which separate the pedestrian and vehicular areas, and which are detectable by a person who has a severe vision impairment, the boundary between the areas shall be defined by a continuous detectable warning not less than 36 inches (915 mm) wide, complying with Section 1106.17.

1106.5 Protruding Objects. Protruding objects shall not reduce the clear width of a route of travel or maneuvering space. Any wall- or post-mounted object with its leading edge between 27 inches (685 mm) and 79 inches (2007 mm) above the floor may project not more than 4 inches (102 mm) into a route of travel, corridor, passageway, or aisle. Any wall- or post-mounted projection greater than 4 inches (102 mm) shall extend to the floor.

1106.6 Changes in Level. Accessible routes of travel and accessible spaces within buildings shall have continuous common floor or ramp surfaces. Abrupt change in height greater than 1/4 inch (6 mm) shall be beveled to 1 vertical in 2 horizontal. Changes in level greater than 1/2 inch (13 mm) shall be accomplished by means of a ramp meeting the requirements of Section 1106.8, a curb ramp meeting the requirements of Section 1106.4.7, or an elevator or platform lift meeting the requirements of Section 1105.3. For Type B dwelling units, see also Section 1106.27.

1106.7 Floor Coverings and Surface Treatments.

1106.7.1 General. All surfaces shall be firm and stable.

1106.7.2 Carpeting. Carpeting and floor mats in accessible areas shall be securely fastened to the underlying surface, and shall provide a firm, stable, continuous, and relatively smooth surface.

1106.7.3 Slip-resistant surfaces. Showers; locker rooms; swimming pool, spa, and hot tub decks; toilet rooms; and other areas subject to wet conditions shall have slip-resistant floors.

Exterior accessible routes of travel shall have slip-resistant surfaces.

1106.7.4 Grates. Within an accessible route of travel, grates shall have openings not more than 1/2 inch (13 mm) in one direction. Where grates have elongated openings, they shall be placed so that the long dimension is perpendicular to the dominant direction of travel. The maximum vertical surface change shall be 1/8 inch (3 mm).

1106.7.5 Expansion and construction joints. Expansion and construction joints in exterior routes of travel shall have a width of not more than 1/2 inch (13 mm), shall be filled

with a firm, compressible, elastic material, and shall be substantially level with the surface of the accessible route of travel.

1106.8 Ramps.

1106.8.1 General. Ramps required to be accessible shall comply with Section 1003.3.4 and the provisions of this section. No ramp shall change direction between landings, except ramps with an inside radius of 30 feet (9144 mm) or greater.

1106.8.2 Slope and rise. The maximum slope of a ramp shall be 1 vertical in 12 horizontal. The maximum rise for any run shall be 30 inches (760 mm).

1106.8.3 Width. The minimum width of a ramp shall be not less than 36 inches (915 mm) for interior ramps and 44 inches (1118 mm) for exterior ramps.

1106.8.4 Landings. Ramps within the accessible route of travel shall have landings at the top and bottom, and at least one intermediate landing shall be provided for each 30 inches (760 mm) of rise. Landings shall be level and have a minimum dimension measured in the direction of ramp run of not less than 60 inches (1525 mm). Where the ramp changes direction at a landing, the landing shall be not less than 60 inches (1525 mm) by 60 inches (1525 mm). The width of any landing shall be not less than the width of the ramp.

1106.8.5 Handrails. Ramps having slopes steeper than 1 vertical to 20 horizontal shall have handrails as required for stairways, except that intermediate handrails as required in Section 1003.3.3.6 are not required. Handrails shall be continuous provided that they shall not be required at any point of access along the ramp, nor at any curb ramp. Handrails shall extend at least 12 inches (305 mm) beyond the top and bottom of any ramp run.

EXCEPTION: Ramps having a rise less than or equal to 6 inches (152 mm), or a run less than or equal to 72 inches (1830 mm), need not have handrails.

1106.8.6 Exterior ramps. Exposed ramps and their approaches shall be constructed to prevent the accumulation of water on walking surfaces.

1106.8.7 Edge protection. Any portion of the edge of a ramp with a slope greater than 1 vertical in 20 horizontal, or landing which is more than 1/2 inch (13 mm) above the adjacent grade or floor, shall be provided with edge protection in accordance with the following:

1. **Walls and Curbs.** When used, walls or curbs shall be not less than 2 inches (51 mm) in height above the surface of the accessible route of travel.

2. **Railings.** When used, railings shall comply with Section 1106.8.5 and also shall have one of the following features:

2.1. An intermediate rail mounted 17 to 19 inches (430 to 485 mm) above the ramp or landing surface, or

2.2. A guardrail complying with Section 509.

1106.9 Stairways.

1106.9.1 General. Stairways required to be accessible shall comply with Section 1003.3.3 and provisions of this section.

1106.9.2 Open risers. Open risers shall not be permitted.

EXCEPTION: Stairways in Group R, Division 1 apartment buildings may have open risers.

1106.9.3 Nosings. Stair nosings shall be flush, slip-resistant, and rounded to a radius of 1/2 inch (13 mm) maximum. Risers shall be sloped, or the underside of the nosing shall have an angle of not less than 60 degrees from the horizontal. Nosings shall project no more than 1-1/2 inches (38 mm).

1106.9.4 Exterior stairways. Exposed stairways and their approaches shall be constructed to prevent the accumulation of water on walking surfaces.

1106.10 Doors.

1106.10.1 General. Doors required to be accessible shall comply with Section 1003.3.1 and with provisions of this section. For the purpose of this section, gates shall be considered to be doors. An accessible gate or door shall be provided adjacent to any turnstile or revolving door. Where doorways have two independently operated door leaves, then at least one leaf shall comply with this section.

1106.10.2 Clear width. Doors shall be capable of being opened so that the clear width of the opening is not less than 32 inches (815 mm).

EXCEPTION: Doors not requiring full user passage, such as shallow closets, may have a clear opening of not less than 20 inches (510 mm).

1106.10.3 Maneuvering clearances at doors. Except as provided in Section 1106.27, all doors shall have minimum maneuvering clearances as follows:

1. For a forward approach, where a door must be pulled to be opened, an unobstructed floor space shall extend at least 18 inches (455 mm) beyond the strike jamb and extend at least 60 inches (1525 mm) perpendicular to the doorway.

2. For a forward approach, where a door must be pushed to be opened and is equipped with a closer and a latch, an unobstructed floor space shall extend at least 12 inches (305 mm) beyond the strike jamb and extend at least 48 inches (1220 mm) perpendicular to the doorway.

3. For a forward approach, where a door must be pushed to be opened and is not equipped with a closer and a latch, an unobstructed floor space shall be at least the width of the doorway and extend at least 48 inches (1220 mm) perpendicular to the doorway.

4. For a hinge side approach, where a door must be pulled to be opened, an unobstructed floor space shall extend at least 36 inches (915 mm) beyond the latch side of the door and at least 60 inches (1525 mm) perpendicular to the doorway, or shall have an unobstructed floor space that extends at least 42 inches (1065 mm) beyond the latch side of the door

and at least 54 inches (1370 mm) perpendicular to the doorway.

5. For a hinge side approach, where a door must be pushed to be opened and is not equipped with both a closer and a latch, an unobstructed floor space, measured from the latch side, shall extend across the width of the doorway and beyond the hinge side of the door for a total width of not less than 54 inches (1370 mm); and at least 42 inches (1065 mm) perpendicular to the doorway.

6. For a hinge side approach, where a door must be pushed to be opened and is equipped with both latch and closer, an unobstructed floor space, measured from the latch side, shall extend across the width of the doorway and beyond the hinge side of the door for a total width of not less than 54 inches (1370 mm); and at least 48 inches (1220 mm) perpendicular to the doorway.

7. For a latch side approach, where a door must be pulled to be opened and is equipped with a closer, an unobstructed floor space shall extend at least 24 inches (610 mm) beyond the latch side of the door and at least 54 inches (1370 mm) perpendicular to the doorway.

8. For a latch side approach, where a door must be pulled to be opened and is not equipped with a closer, an unobstructed floor space shall extend at least 24 inches (610 mm) beyond the latch side of the door and at least 48 inches (1220 mm) perpendicular to the doorway.

9. For a latch side approach, where a door must be pushed to be opened and is equipped with a closer, an unobstructed floor space shall extend at least 24 inches (610 mm) beyond the latch side of the door and at least 48 inches (1370 mm) perpendicular to the doorway.

10. For a latch side approach, where a door must be pushed to be opened and is not equipped with a closer, an unobstructed floor space shall extend at least 24 inches (610 mm) parallel to the doorway, beyond the latch side of the door and at least 42 inches (1065 mm) perpendicular to the doorway.

11. For a forward approach, to a sliding or folding door, an unobstructed floor space shall extend the same width as the door opening and at least 48 inches (1220 mm) perpendicular to the doorway.

12. For a slide side approach to a sliding or folding door, an unobstructed floor space, measured from the latch side, shall extend across the width of the doorway and beyond the slide side of the door for a total width of not less than 54 inches (1370 mm); and at least 42 inches (1065 mm) perpendicular to the doorway.

13. For a latch side approach to a sliding or folding door, an unobstructed floor space shall extend at least 24 inches (610 mm) beyond the latch side of the door and at least 42 inches (1065 mm) perpendicular to the doorway.

14. Where two doors are in series, the minimum distance between two hinged or pivoted doors shall be 48 inches (1220 mm), in addition to any area needed for door swing. Doors in

series shall swing either in the same direction, or away from the space between the doors.

15. All doors in alcoves shall comply with the requirement for a forward approach.

1106.10.4 Thresholds at doors. Thresholds at doors shall comply with Section 1106.6.

EXCEPTION: In dwelling units, exterior doors other than the accessible entrance to a dwelling unit, may be sliding doors with thresholds not exceeding 3/4 inch (19 mm).

1106.10.5 Automatic and power-assisted doors. Door-closers or power-operators shall be operable as required by Section 1003.3.1.2.

EXCEPTION: Floor pad or electric eye actuated power-operators.

All power-operated doors shall remain in the fully open position for not less than 6 seconds before closing. Touch switches shall be mounted 36 inches (915 mm) above the floor and not less than 18 inches (455 mm), nor more than 36 inches (915 mm), horizontally from the nearest point of travel of the moving door. Other power-operated doors must be actuated from a location not less than 36 inches (915 mm) from the nearest point of travel of the moving door. Power-operated doors shall automatically reopen when they encounter an obstruction other than the strike jamb.

1106.10.6 Door closers. Where provided, door closers shall be adjusted to close from an open position of 70 degrees to a point 3 inches (76 mm) from the latch, in not less than 3 seconds, when measured to the leading edge of the door.

1106.10.7 Vision panels. Where a door contains one or more vision panels, the bottom of the glass of at least one panel, shall be not more than 43 inches (1091 mm) above the floor.

1106.11 Bathrooms, Toilet Rooms, Bathing Facilities, and Shower Rooms.

1106.11.1 General. Bathrooms, toilet rooms, bathing facilities, and shower rooms shall be designed in accordance with this section. For dwelling units, see also Section 1106.27.

1106.11.2 Unobstructed floor space. An unobstructed floor space shall be provided within bathrooms, toilet rooms, bathing facilities, and shower rooms of sufficient size to inscribe a circle with a diameter not less than 60 inches (1525 mm). Doors in any position may encroach into this space by not more than 12 inches (305 mm). The clear floor spaces at fixtures, the accessible route of travel, and the unobstructed floor space may overlap.

1106.11.3 Wheelchair accessible toilet stalls.

1106.11.3.1 Dimensions. Wheelchair accessible toilet stalls shall be at least 60 inches (1525 mm) in width. Where wall-hung water closets are installed, the depth of the stall shall be not less than 56 inches (1420 mm). Where floor-mounted water closets are installed, the depth of the stall shall be not less than 59 inches (1500 mm). Entry to the compartment shall have a clear width of 32 inches (815 mm). Toilet stall doors shall not swing into the clear floor space required for

any fixture. Except for door swing, a clear unobstructed access not less than 48 inches (1220 mm) in width shall be provided to toilet stalls.

EXCEPTION: Partitions may project not more than one inch (25 mm), in the aggregate, into the required width of the stall.

1106.11.3.2 Toe clearances. In any toilet stall, the front partition and at least one side partition shall provide a toe clearance of at least 9 inches (230 mm) above the floor.

EXCEPTION: Toe clearance is not required in a stall with a depth greater than 60 inches (1525 mm).

1106.11.3.3 Door hardware. Doors of accessible toilet stalls shall comply with Section 1106.3. Door pulls shall be mounted on both sides of the door near the latch.

1106.11.4 Ambulatory accessible toilet stalls. Ambulatory accessible toilet stalls shall be at least 36 inches (915 mm) in width, with an outward swinging, self-closing door. Grab bars shall be installed on each side of the toilet stall and shall comply with Sections 1106.11.5.3 and 1106.11.11.

1106.11.5 Water closets.

1106.11.5.1 Clear floor space. The lateral distance from the center line of the water closet to the nearest obstruction, excluding grab bars, shall be 18 inches (455 mm) on one side and not less than 42 inches (1065 mm) on the other side. In other than stalls, a clear floor space of not less than 32 inches (815 mm), measured perpendicular to the wall on which the water closet is mounted, shall be provided in front of the water closet.

EXCEPTION: In other than a toilet stall, a lavatory may be located within the clear floor space required for a water closet provided that knee and toe clearances for the lavatory comply with Section 1106.11.7, below, and:

1. In Type B dwelling units the edge of the lavatory shall be located not less than 15 inches (380 mm) from the centerline of the water closet; or,
2. In all other occupancies the edge of the lavatory shall be located not less than 18 inches (455 mm) from the centerline of the water closet.

1106.11.5.2 Height. The height of water closets shall be a minimum of 17 inches (430 mm) and a maximum of 19 inches (485 mm) measured to the top of the seat. Seats shall not be sprung to return to a lifted position.

1106.11.5.3 Grab bars. Grab bars shall be installed at one side and at the back of the water closet. The top of grab bars shall be not less than 33 inches (840 mm) and not more than 36 inches (915 mm) above and parallel to the floor. Grab bars located at the side shall be a minimum 42 inches (1065 mm) in length located not more than 12 inches (305 mm) from the rear wall and extending at least 54 inches (1370 mm) from the rear wall. Grab bars located at the back shall be a minimum of 36 inches (915 mm) in length and shall extend at least 12 inches (305 mm) beyond the center of the water closet toward the side wall and at least 24 inches (610 mm) toward the open side of the water closet. Grab bars located at the back shall be mounted not more than 9 inches (230 mm) behind the water closet seat. See also Section 1106.11.11.

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1106.11.5.4 Flush controls. Flush controls shall be mounted for use from the wide side of the water closet area and not more than 44 inches (1118 mm) above the floor. Flush valves shall comply with Section 1106.3.

1106.11.5.5 Dispensers and receptacles. Toilet paper and other dispensers or receptacles shall be installed within easy reach of the water closet, and shall not interfere with unobstructed floor space or grab bar utilization.

1106.11.6 Urinals. A clear floor space measuring 30 inches (760 mm) in width by 48 inches (1220 mm) in depth shall be provided in front of urinals to allow for forward approach. Urinal shields shall have a clear space between them of not less than 29 inches (737 mm) and shall not extend farther than the front edge of the urinal rim. Urinals shall be stall-type or wall-hung with an elongated rim at a maximum of 17 inches (430 mm) above the floor. Flush controls shall be mounted not more than 44 inches (1118 mm) above the floor. Flush valves shall comply with Section 1106.3.

1106.11.7 Lavatories and sinks.

1106.11.7.1 Clear floor space. A clear floor space not less than 30 inches (760 mm) in width by 48 inches (1220 mm) in depth shall be provided in front of lavatories and sinks to allow a forward approach. The clear floor space may include knee and toe clearances not to exceed 19 inches (485 mm) extending under the lavatory or sink.

1106.11.7.2 Height. Lavatories and sinks shall be mounted with the rim or counter surface no higher than 34 inches (865 mm) above the finished floor.

1106.11.7.3 Knee and toe clearances.

1106.11.7.3.1 Lavatories. The total depth of the clear space beneath a lavatory shall be not less than 17 inches (430 mm), of which toe clearance shall be not more than 6 inches (152 mm) of the total depth. Knee clearance shall be not less than 29 inches (237 mm) in height and 30 inches (760 mm) in width.

1106.11.7.3.2 Sinks. Knee clearance not less than 27 inches (685 mm) in height, 30 inches (760 mm) in width, and 19 inches (485 mm) in depth shall be provided underneath sinks.

1106.11.7.4 Exposed pipes and surfaces. Hot water and drain pipes exposed under lavatories and sinks shall be insulated or otherwise covered. There shall be no sharp or abrasive surfaces under lavatories or sinks.

1106.11.7.5 Faucets. Faucet control handles shall be located not more than 17 inches (430 mm) from the front edge of the lavatory, sink or counter, and shall comply with Section 1106.3. Self-closing valves shall remain open for at least 10 seconds per operation.

1106.11.7.6 Sink depth. Sinks shall be not more than 6-1/2 inches (165 mm) in vertical depth.

1106.11.8 Mirrors, dispensers, and other fixtures. Mirrors or shelves shall be installed so that the bottom of the mir-

ror or the top of the shelf is within 40 inches (1015 mm) of the floor.

Drying equipment, towel or other dispensers, and disposal fixtures shall be mounted so as to not exceed 40 inches (1015 mm) above the finished floor to any rack, operating controls, receptacle or dispenser.

1106.11.9 Bathtubs.

1106.11.9.1 Clear floor space. A clear floor space not less than 60 inches (1525 mm) in length shall be provided along the tub. Where the required seat is located at the end of the tub, the clear floor space shall be not less than 75 inches (1905 mm) in length. The clear floor space shall be not less than 30 inches (760 mm) in width where access to the space is parallel to the tub and not less than 48 inches (1220 mm) in width where access to the space is at right angles to the tub.

A lavatory which complies with Section 1106.11.7, above, may be located in the clear floor space for the tub.

Where a seat is provided and a lavatory is located in the clear floor space for the tub, the lavatory shall be located at the end of the tub adjacent to the controls.

1106.11.9.2 Seats. An in-tub seat or a seat at the end of the tub shall be provided. In-tub seats shall be portable and removable, not less than 12 inches (305 mm) in width, and extend the full width of the tub. Seats at the end of the tub shall be constructed flush with the top of the tub and shall extend not less than 15 inches (380 mm) from the end of the tub. Seats shall be mounted securely and shall not slip during use.

1106.11.9.3 Grab bars. All required grab bars shall be installed parallel to the floor. Lower grab bars shall be installed centered 9 inches (230 mm) above the tub rim. Upper or single grab bars shall be installed centered not less than 33 inches (840 mm) and not more than 36 inches (915 mm) above the floor of the clear space.

Where a tub has a seat at the end, two grab bars not less than 48 inches (1220 mm) in length shall be installed on the wall opposite the clear floor space. One end of each grab bar shall terminate where the tub abuts the seat.

Where a tub has an in-tub seat, two grab bars, not less than 24 inches (610 mm) in length, shall be installed on the wall opposite the clear floor space. The grab bars shall extend to not less than 24 inches (610 mm) from one end of the tub and not less than 12 inches (305 mm) from the other end. One grab bar shall be installed on the wall at the end of the tub opposite the drain, extending at least 12 inches (305 mm) from the clear floor space.

For all bathtubs, one grab bar shall be installed on the wall at the end of the tub nearest the drain, extending at least 24 inches (610 mm) from the clear floor space.

1106.11.9.4 Controls and fixtures. Faucets and other controls shall be located above the tub rim and below the grab bars, shall be offset laterally from the clear floor space

between the open edge of the tub and the mid-point of the tub and shall comply with Section 1106.3.

A shower spray unit, with a hose at least 60 inches (1525 mm) long, that can be used as a fixed shower head or as a hand-held shower, shall be provided.

1106.11.9.5 Bathtub enclosures. Where provided, enclosures for bathtubs shall not obstruct controls or obstruct transfer from wheelchairs onto bathtub seats or into tubs. Bathtub enclosures shall not have tracks mounted on the tub rim.

1106.11.10 Shower stalls.

1106.11.10.1 Configuration. Shower stalls shall have one of the following configurations:

1. Transfer shower stalls shall be 36 inches by 36 inches (915 by 915 mm), nominal, and shall have a seat; or,
2. Roll-in shower stalls shall be not less than 30 inches (760 mm) in depth by 60 inches (1525 mm) in length.

1106.11.10.2 Clear floor space. A clear floor space shall be provided adjacent to shower stalls.

1. For transfer shower stalls, a clear floor space not less than 48 inches (1220 mm) in length, parallel to the open side of the shower stall, and not less than 36 inches (915 mm) in width, perpendicular to the open edge of the shower stall, shall be located so as to extend at least 12 inches (305 mm) beyond the wall on which the seat is mounted.

2. For roll-in shower stalls, a clear floor space not less than 60 inches (1525 mm) in length, parallel to the open edge of the shower stall, and not less than 36 inches (915 mm) in width, perpendicular to the open edge of the shower stall, shall be provided. A lavatory which complies with Section 1106.11.7, above, may be located within one end of the clear floor space. Where a seat is provided in the shower, a lavatory may be located only at the opposite end of the clear space.

1106.11.10.3 Seats. Transfer shower stalls shall be provided with a folding or non-folding seat located on the wall opposite the shower controls.

Roll-in shower stalls shall be provided with a folding seat located on the wall adjacent to the shower controls.

EXCEPTION: Roll-in shower stalls located in occupancies other than hotels, lodging houses and congregate residences need not be provided with a seat.

The seat shall be mounted not less than 17 inches (430 mm) and not more than 19 inches (485 mm) above the floor. The seat shall be mounted not more than 1-1/2 inches (38 mm) from the shower walls. The leading edge of the seat may be set back not more than 1-1/2 inches (38 mm) from the leading edge of the shower stall.

The seat shall be L-shaped and shall extend the full depth of the stall. The section of the seat adjacent to the wall opposite the clear floor space shall be at least 22 inches (560 mm) and not more than 23 inches (585 mm) wide, measured from

the wall on which the seat is mounted. That section of the seat shall extend not less than 14 inches (355 mm) but not more than 15 inches (380 mm), measured from the wall opposite the clear floor space. The remaining portion of the seat shall be not less than 15 inches (380 mm) and not more than 16 inches (405 mm) wide, measured from the wall on which the seat is mounted, and shall extend the remaining depth of the stall.

1106.11.10.4 Grab bars. All required grab bars shall be installed parallel to the floor. All grab bars shall be installed not less than 33 inches (840 mm) and not more than 36 inches (915 mm) above the floor of the adjacent clear space.

For transfer shower stalls, a grab bar, not less than 18 inches (455 mm) in length, shall be installed on the wall opposite the clear floor space. One end of the grab bar shall terminate at the wall opposite the seat. A grab bar not less than 27 inches (685 mm) in length shall also be installed on the wall opposite the seat.

For roll-in shower stalls, grab bars shall be provided on all permanent stall walls. Grab bars located on either end of the stall shall be not less than 27 inches (685 mm) in length. The grab bar located opposite the clear space shall be not less than 48 inches (1220 mm) in length.

1106.11.10.5 Controls and fixtures. Faucets and other controls shall be located on the same wall as the shower spray unit, and shall be installed not less than 38 inches (965 mm) or more than 48 inches (1220 mm) above the shower floor and shall comply with Section 1106.3. In addition:

1. For transfer shower stalls, the controls shall be located on the wall opposite the shower seat. The controls shall be located within 18 inches (455 mm) of the open side of the shower stall.

2. For roll-in shower stalls equipped with seats, the controls shall be mounted on the wall adjacent to the seat not more than 27 inches (685 mm) from the wall where the seat is mounted. For roll-in shower stalls without seats, the controls may be located on any wall. Where the controls are located on the back wall, they shall be located not more than 27 inches (685 mm) from a side wall.

A shower spray unit, with a hose at least 60 inches (1525 mm) long, that can be used as a fixed shower head or as a hand-held shower, shall be provided.

EXCEPTION: In unmonitored facilities where vandalism is a consideration, a fixed shower head may be installed not more than 48 inches (1220 mm) above the stall floor.

1106.11.10.6 Thresholds. In transfer shower stalls, thresholds shall be flush or beveled with a maximum edge height of 1/2 inch (13 mm), and a maximum slope of not more than 1 vertical in 2 horizontal.

Thresholds in roll-in shower stalls shall be level with the adjacent clear space.

1106.11.10.7 Shower enclosures. Where provided, enclosures for shower stalls shall not obstruct controls or obstruct transfer from wheelchairs onto shower seats.

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1106.11.11 Structural requirements for grab bars, and tub and shower seats.

1106.11.11.1 General. All grab bars, and tub and shower seats required to be accessible, shall comply with this section.

1106.11.11.2 Size and spacing of grab bars. Grab bars shall have an outside diameter of not less than 1-1/4 inch (32 mm) nor more than 1-1/2 inches (38 mm) and shall provide a clearance of 1-1/2 inches (38 mm) between the grab bar and the wall.

1106.11.11.3 Structural strength. The structural strength of grab bars, tub and shower seats, fasteners and mounting devices shall meet the following specification:

1. Bending stress in a grab bar or seat induced by the maximum bending moment from the application of 300 pounds (1334 N) shall be less than the allowable stress for the material of the grab bar or seat.

2. Shear stress induced in a grab bar or seat by the application of 300 pounds (1334 N) shall be less than the allowable shear stress for the material of the grab bar or seat. If the connection between the grab bar or seat and its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

3. Shear force induced in a fastener or mounting device from the application of 300 pounds (1334 N) shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

4. Tensile force induced in a fastener by a direct tension force of 300 pounds (1334 N) plus the maximum moment from the application of 300 pounds (1334 N) shall be less than the allowable withdrawal load between the fastener and the supporting structure.

1106.11.11.4 Special hazards. A grab bar and any wall or other surface adjacent to it shall be free of any sharp or abrasive elements. Edges shall have a minimum radius of 1/8 inch (3 mm).

1106.12 Kitchens.

1106.12.1 Clear floor space. An unobstructed floor space shall be provided within kitchens of sufficient size to inscribe a circle with a diameter not less than 60 inches (1525 mm). Doors in any position may encroach into this space by not more than 12 inches (305 mm). The clear floor spaces at fixtures, the accessible route of travel, and the unobstructed floor space may overlap.

1106.12.2 Counter surfaces and shelving. Within Type A dwelling units, a counter surface, a minimum of 30 inches (760 mm) wide by 24 inches (610 mm) deep, shall be provided at a maximum height of 34 inches (865 mm), with a knee space beneath at least 27 inches (685 mm) in height.

In other than dwelling units, at least 50 percent of shelf space in cabinets, refrigerators and freezers shall be within the reach ranges specified in Section 1106.2.4.

1106.13 Water Fountains.

1106.13.1 Clear floor space. Wall- and post-mounted cantilevered units shall have a minimum clear floor space in front of the unit, of 30 inches (760 mm) in width by 48 inches (1220 mm) in depth to allow a forward approach.

Free-standing or built-in units not having a clear space beneath them shall have an adjacent clear floor space at least 30 inches (760 mm) in depth by 48 inches (1220 mm) in width in order to allow a person in a wheelchair to make a parallel approach to the unit.

1106.13.2 Knee space. Wall- and post-mounted cantilevered units shall have knee space in accordance with Section 1106.2.4.3. The knee space shall be not less than 17 inches (430 mm) nor more than 19 inches (485 mm) in depth.

1106.13.3 Spout location. Spouts shall be located not more than 36 inches (915 mm) above the floor or ground surface. Spouts shall be located at the front of the unit and shall direct a water flow not less than 4 inches (102 mm) in height, in a trajectory parallel to the front of the unit. Recessed units shall be installed such that the spout is not recessed beyond the plane of the wall.

1106.13.4 Controls. Controls shall be located not more than 6 inches (152 mm) from the front of the unit and shall comply with Section 1106.3. The force required to activate the control shall not exceed 5 pounds (22.2 N).

1106.13.5 Water fountains in alcoves. Where a unit is installed in an alcove greater than 8 inches (205 mm) in depth, the alcove shall be not less than 48 inches (1220 mm) in width. A minimum 24 inches (610 mm) of clear space shall be provided from the spout to the nearest side wall of the alcove.

1106.14 Telephones.

1106.14.1 Clear floor or ground space. A clear floor or ground space, not less than 30 inches (760 mm) by 48 inches (1220 mm), that allows either a forward or parallel approach, shall be provided in front of telephones. Bases, enclosures and fixed seats shall not project into the clear floor space.

Where parallel approach is provided, any shelf or enclosure shall not project farther than 10 inches (255 mm) beyond the face of the telephone.

Where a forward approach is provided, any shelf shall not project farther than 20 inches (510 mm) beyond the face of the telephone; any enclosure panels shall be a minimum 30 inches (760 mm) apart, and where less than 36 inches (915 mm) apart, shall project no more than 24 inches (610 mm) beyond the face of the phone.

1106.14.2 Height. The highest operable part of a telephone shall be within the reach ranges specified in Section 1106.2.4.

PROPOSED

1106.14.3 Equipment for persons with hearing impairments. Telephones shall be equipped with volume controls and shall be hearing aid compatible. Volume controls shall be capable of increasing volume not less than 12 dbA nor more than 18 dbA above normal.

EXCEPTION: Where an automatic reset is provided, 18 dbA may be exceeded.

1106.14.4 Controls. Telephones shall have push-button controls where service for such equipment is available.

1106.14.5 Cord length. The cord from the telephone to the handset shall be not less than 29 inches (737 mm) in length.

1106.14.6 Text telephones. Text telephones shall be permanently affixed within, or adjacent to, the telephone enclosure. Where an acoustic coupler is used, the telephone cord shall be sufficiently long to allow connection of the text telephone and the telephone receiver.

1106.14.7 Shelf and electrical outlet. Shelves and an electrical outlet shall be located within or adjacent to the telephone enclosure. The shelf shall be not less than 10 inches by 10 inches (255 mm by 255 mm) in dimension, with a vertical clearance above the shelf of not less than 6 inches (152 mm). The telephone handset shall be capable of being placed flush on the surface of the shelf.

1106.15 Alarms.

1106.15.1 Audible alarms. Audible alarms shall produce a sound in accordance with the Fire Code.

1106.15.2 Visible alarms. Visible alarm signal appliances shall be integrated into the building or facility alarm system. Where single-station audible alarms are provided, single-station visible alarm signals shall be provided.

EXCEPTION: ~~(Dwelling units)~~ Visible alarms are not required in Group R, Division 1 apartment buildings.

Visible alarm(s) shall be located not less than 80 inches (2030 mm) above floor level, or 6 inches (152 mm) below the ceiling, whichever is lower, and at an interval of not more than 50 feet (15 m) horizontal, in rooms, corridors, and hallways) system designs shall comply with the requirements in ANSI A117.1, 1998 edition, or NFPA 72, 1999 edition.

~~((In rooms or spaces exceeding 100 feet (30 m) in horizontal dimension, with no obstructions exceeding 6 feet (1830 mm) in height above the finished floor, visible alarms may be placed around the perimeter at intervals not to exceed 100 feet (30 m) horizontally.~~

~~Visible alarm signals shall comply with the following criteria:~~

- ~~1. The lamp shall be a xenon strobe type or equivalent.~~
- ~~2. The color shall be clear or unfiltered white light.~~
- ~~3. The maximum pulse duration shall be two tenths of one second (0.2 sec) with a maximum duty cycle of 40 percent. The pulse duration is defined as the time interval between initial and final point of 10 percent of maximum signal.~~

~~4. The intensity shall be a minimum of 75 candela.~~

~~5. The flash rate shall be a minimum of 1 Hz and a maximum of 3 Hz.)~~

1106.15.3 Access to manual fire alarm systems. Manual fire alarm devices shall be mounted not more than 54 inches (1370 mm) above the floor where a parallel approach is provided.

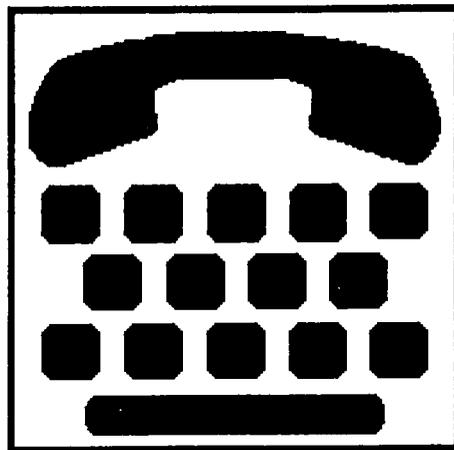
1106.16 Signage.

1106.16.1 Symbols.

1106.16.1.1 International Symbol of Access. The International Symbol of Access shall be as shown below:



1106.16.1.2 Text telephones. Text telephones required by Section 1105.4.2 shall be identified by the International Text Telephone Symbol as shown below:



1106.16.1.3 Assistive listening systems. Permanently installed assistive listening systems that are required by Section 1103.1.2.2 shall be identified by the International Symbol of Access for Hearing Loss as shown below:



PROPOSED

1106.16.1.4 Volume control telephones. Telephones required by Section 1105.4.2 to have volume controls shall be identified by a handset containing a depiction of a telephone handset with radiating sound waves.

1106.16.2 Mounting location and height. Signs shall be installed on the wall adjacent to the latch side of the door. Signs shall be centered at 60 inches (1525 mm) above the finished floor. Mounting location for such signage shall be such that a person may approach within 3 inches (76 mm) of signage without encountering protruding objects or standing within the swing of a door.

1106.16.3 Finish and color. Characters and symbols shall have a high contrast with their background. The character and background of interior signs shall be eggshell, matte, or other nonglare finish.

All interior and exterior signs depicting the International Symbol of Access shall be white on a blue background.

1106.16.4 Character proportion and height. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum character height for signs that are suspended or projected overhead is 3 inches (76 mm) for upper case letters. Lower case letters are permitted.

1106.16.5 Raised and Braille characters and pictorial symbol signs (pictograms).

1106.16.5.1 Raised characters and symbols. Characters and symbols on tactile signs shall be raised at least 1/32 inch (.8 mm). Raised characters and symbols shall be simple type

face upper case characters. Raised characters and symbols shall be between 5/8 inch (16 mm) and 2 inches (51 mm) in height. Raised characters shall be accompanied by Braille in accordance with this section.

1106.16.5.2 Braille. Braille shall be separated from the corresponding raised characters or symbols. Braille shall be Grade 2.

1106.16.5.3 Pictograms. Where provided, pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be not less than 6 inches (152 mm) in height.

1106.17 Detectable Warnings. Detectable warnings on walking surfaces shall consist of raised truncated domes having a diameter of 0.9 inches (23 mm) nominal, a height of 0.2 inches (5 mm) nominal, and a center-to-center spacing of 2.35 inches (60 mm) nominal, or be an approved alternate, and shall contrast visually and tactilely with adjoining surfaces.

1106.18 Storage, Shelving and Display Units.

1106.18.1 Clear floor space. Storage, shelving and display units shall have a clear floor space, not less than 30 inches (760 mm) by 48 inches (1220 mm), that allows for either a forward or parallel approach.

1106.18.2 Height. Accessible storage, shelving and display units shall be within the reach ranges specified in Section 1106.2.4. Clothes rods shall be not more than 54 inches (1370 mm) above the floor.

1106.19 Seating, Tables, and Sinks.

1106.19.1 Clear floor space. Sinks and seating spaces at tables shall have a clear floor space of not less than 30 inches (760 mm) by 48 inches (1220 mm), that allows forward approach. The clear floor space shall not overlap knee space by more than 19 inches (483 mm).

1106.19.2 Knee clearances. Knee spaces at tables, counters, and sinks shall be provided in accordance with Section 1106.2.4.3. In addition, the depth of the knee space shall be not less than 19 inches (483 mm). No projection which might obstruct the arm of a wheelchair may intrude into this clearance, within 24 inches (610 mm) horizontally from the table edge.

1106.19.3 Height. The tops of tables and sinks shall be not less than 28 inches (710 mm) nor more than 34 inches (865 mm) in height above the floor or ground.

1106.20 Aisles. All aisles required to be accessible, including check out aisles, food service lines, and aisles between fixed tables, shall be not less than 36 inches (915 mm) in width.

1106.21 Assembly Areas.

1106.21.1 Wheelchair spaces.

1106.21.1.1 Location. Wheelchair spaces shall be an integral part of any fixed seating plan and shall be dispersed

throughout the seating area. Spaces shall adjoin an accessible route of travel that also serves as a means of egress and shall be located to provide lines of sight comparable to those for all viewing areas.

EXCEPTION: Accessible viewing positions may be clustered for bleachers, balconies and other areas having sight lines that require slopes of greater than 5 percent. Equivalent accessible viewing positions may be located on levels having accessible egress.

1106.21.1.2 Size. Wheelchair spaces shall be not less than 33 inches (840 mm) in width. Where forward or rear approach is provided, wheelchair spaces shall be not less than 48 inches (1220 mm) in depth. Where only side approach is provided, wheelchair spaces shall be not less than 60 inches (1525 mm) in depth.

1106.21.1.3 Surfaces. The ground or floor surfaces at wheelchair locations shall be level and shall comply with Section 1106.7.

1106.21.2 Placement of assistive listening systems. Where an assistive listening system serves individual fixed seats, such seats shall have a clear line of sight and shall be located not more than 50 feet (15 m) from the stage or performance area.

1106.22 Restaurants and Cafeterias.

1106.22.1 Aisles. Aisles to fixed tables required to be accessible shall comply with Section 1106.20.

1106.22.2 Food service lines.

1106.22.2.1 Clear floor space. Food service lines shall comply with Section 1106.20.

1106.22.2.2 Height. Tray slides shall be mounted not more than 34 inches (865 mm) in height above the floor.

1106.22.2.3 Counters and bars. Where service of food or drink is provided at counters more than 34 inches (865 mm) in height, to customers seated on stools or standing, a portion of the main counter shall be provided in compliance with Section 1106.19, or service shall be available at accessible tables within the same area.

1106.22.2.4 Tableware and condiment areas. Self-service shelves and dispensing devices for tableware, dishware, condiments, food, and beverages shall be installed to comply with Section 1106.18.

1106.23 Patient bedrooms. Each patient bedroom shall be designed and constructed to provide space for a 180-degree turn that complies with Section 1106.2.2. Each patient room shall have a minimum clear floor space not less than 36 inches (915 mm) on each side of any bed.

1106.24 Customer Service Facilities.

1106.24.1 Dressing and fitting rooms.

1106.24.1.1 Clear floor space. Each dressing and fitting room shall have a clear floor space complying with Section 1106.2.

EXCEPTION: Dressing and fitting rooms that are entered through a curtained opening need not comply with Section 1106.2.2.

1106.24.1.2 Doors. All doors to accessible dressing and fitting rooms shall comply with Section 1106.10.

1106.24.1.3 Benches. Every accessible dressing or fitting room shall have a bench installed adjacent to the longest wall in the room. The bench shall be not less than 24 inches (610 mm) in width and 48 inches (1220 mm) in length, and shall be mounted not less than 17 inches (430 mm) nor more than 19 inches (483 mm) above the finished floor.

Clear floor space shall be provided adjacent to the bench to allow for parallel transfer, and the structural strength of the bench shall comply with Section 1106.11.11.3.

Where benches are installed in dressing and fitting rooms adjacent to showers, swimming pools, or other wet locations, water shall not accumulate upon the surface of the bench and the bench shall have a slip-resistant surface.

1106.24.1.4 Mirrors. Where provided, mirrors in accessible dressing and fitting rooms shall be not less than 18 inches (455 mm) in width by 54 inches (1370 mm) in height and shall be mounted opposite the bench.

1106.24.2 Counters and windows. Where counters are required to be accessible, the accessible portion shall be not less than 36 inches (915 mm) in length and not more than 36 inches (915 mm) in height above the finished floor.

Where accessible windows are required, they shall be no more than 36 inches (915 mm) in height above the finished floor.

EXCEPTION: An auxiliary counter with a maximum height of 36 inches (915 mm) is installed in close proximity to the main counter.

1106.24.3 Check-out aisles. The width of accessible check-out aisles shall comply with Section 1106.20. Counters in accessible check-out aisles shall be not more than 38 inches (965 mm) in height, and the top of the raised edge of the counter shall not exceed 40 inches (1015 mm) in height above the finished floor.

Accessible check-out aisles shall be identified by the International Symbol of Access in accordance with Section 1106.16.1.1.

1106.25 Libraries.

1106.25.1 Reading and study areas. At least 5 percent, or a minimum of one, of each element of fixed seating, tables, or study carrels shall comply with Section 1106.19. Clearances between fixed accessible tables and study carrels shall comply with Section 1106.20.

1106.25.2 Check-out areas. At least one lane at each check-out area shall comply with Section 1106.20. Any traffic control or book security gates or turnstiles shall comply with Section 1106.10.

1106.25.3 Card catalogs, magazine displays and stacks.

PROPOSED

1106.25.3.1 Aisles. Aisles between card catalogs, magazine displays or stacks shall comply with Section 1106.20.

1106.25.3.2 Height. Card catalogs or magazine displays shall have a reach height of not more than 54 inches (1370 mm) for side approach and not more than 48 inches (1220 mm) for forward approach.

Not all shelves in library stacks need be located within reach ranges required by Section 1106.2.4.

1106.26 Hotels and Congregate Residences.

1106.26.1 Clear floor space. Each sleeping room shall have a space complying with Section 1106.4.1, along both sides of each bed.

EXCEPTION: In rooms with two beds, only one 36 inch (915 mm) wide maneuvering space need be provided between the two beds.

1106.26.2 Accessible route of travel. An accessible route of travel complying with Section 1103.2.2 shall connect all accessible spaces and elements; including telephones, patios, terraces, balconies, carports, garages or parking spaces; with all accessible sleeping rooms.

1106.26.3 Doors. Doors within all sleeping rooms, suites or other covered units shall comply with Section 1106.10.

1106.26.4 Storage. Where fixed or built-in storage is provided in accessible units, sleeping rooms, or suites; including cabinets, shelves, closets, and drawers; at least one of each type shall comply with Section 1106.18.

1106.26.5 Controls. All controls in accessible units, sleeping rooms, and suites shall comply with Section 1106.3.

1106.27 Dwelling Units.

1106.27.1 Type A and B dwelling units. Type A and B dwelling units shall comply with Section 1106.

EXCEPTIONS:

1. In a Type A accessible dwelling unit with two or more stories, access to other levels is not required if the accessible level complies with all requirements for Type A accessible dwelling units and that kitchen, toilet and bathing facilities, and at least one bedroom are provided on the accessible level.
2. Kitchens in Type B dwelling units need not comply with Section 1106.12.1, provided that:
 - 2.1. A clear space at least 30 inches by 48 inches (760 mm by 1220 mm) that allows parallel approach by a person in a wheelchair is provided at the range or cook top and sink, and either a parallel or forward approach is provided at all other appliances; and,
 - 2.2. In all other kitchens, clearance between all opposing counters, base cabinets, countertops, appliances, and walls shall be not less than 40 inches (1015 mm); and,
 - 2.3. In "U" shaped kitchens with a sink, range, or cooktop at the base of the "U", an unobstructed floor space of sufficient size to inscribe a circle with a diameter of not less than 60 inches (1525 mm) shall be provided.
3. Bathrooms in Type B dwelling units need not comply with Section 1106.11.2, provided that sufficient maneuvering space which is not less than 30 inches by 48 inches (760 by 1220 mm) is provided within the bathroom. Doors may swing into the clear floor space

provided at any fixture, but shall not encroach on the required maneuvering space.

4. Doors in Type B dwelling units, other than the primary entry door, need not comply with Section 1106.10.3.

5. Mezzanines in Type A or B dwelling units need not be accessible.

6. Raised or sunken floors in Type B dwelling units need not be accessible, provided that they do not interfere with the accessible route of travel through the unit, and are not located in the kitchen or bathroom.

7. Counter surfaces in Type B dwelling units need not comply with Section 1106.12.2.

8. Within an individual dwelling unit in a building with an elevator, access to other levels is not required if the accessible level complies with all requirements for accessible dwelling units.

9. In Type B dwelling units, exterior deck, patio, or balcony surfaces may be no more than 4 inches (100 mm) below the floor level of the interior surface where the exterior surface is constructed of an impervious material such as concrete, brick, or flagstone.

10. Vanities or lavatories in Type A and B dwelling units may be located in the clear floor spaces as permitted in Section 1106.11.5.1.

11. Seats for bathtubs or showers are not required in Type B dwelling units.

12. In Type B dwelling units, the clear floor space for bathtubs or showers may be reduced to not less than 30 inches (760 mm) in width by 48 inches (1220 mm) in length.

13. Showers in Type B dwelling units shall be nominal 36 inches (915 mm) minimum by 36 inches (915 mm) minimum.

1106.27.2 Adaptable fixtures for dwelling units.

1106.27.2.1 Grab bars. Grab bars may be omitted in bathing and toilet facilities within Type A or B dwelling units, provided that all structural reinforcements for grab bar installation are provided in the appropriate locations in the adjoining walls.

1106.27.2.2 Kitchen counters. Cabinets or shelving may be installed beneath the counter space required by Section 1106.12.2, provided that such cabinetry or shelving is not permanent, and is easily removable.

1106.27.2.3 Lavatories. Cabinets or shelving may be installed beneath bathroom lavatories provided that such cabinetry or shelving is not permanent, and is easily removable.

1106.27.2.4 Signage. Parking signage required by Section 1107.3 need not be installed in spaces designated for accessible dwelling units.

NEW SECTION

WAC 51-40-1202 Section 1202—Light and ventilation in Groups A, B, E, F, H, I, M and S occupancies.

1202.2 Ventilation.

1202.2.1 General. All enclosed portions of Groups A, B, E, F, H, I, M and S Occupancies customarily occupied by human beings shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/20 of the total floor area or shall be provided with a mechanically operated ventilation system which complies

with Ventilation and Indoor Air Quality Code Section 304. Such exterior openings shall open directly onto a public way or a yard or court as set forth in Section 1203.4.

Toilet rooms shall be provided with a fully openable exterior window with an area not less than 3 square feet (0.279 m²), or a vertical duct not less than 100 square inches (64 516 mm²) in area for the first water closet plus 50 square inches (32 258 mm²) additional of area for each additional water closet, or a mechanically operated exhaust system which complies with Ventilation and Indoor Air Quality Code Section 304. Such mechanically operated exhaust systems shall be connected directly to the outside, and the point of discharge shall be at least 3 feet (914 mm) from any opening that allows air entry into occupied portions of the building.

For ventilation of hazardous vapors or fumes in Group H Occupancies, see Sections 307.5.2 and 1202.2.3. For Group S, Division 3 Occupancies, see Section 1202.2.7.

1202.2.4 Group H, Division 4 Occupancies. In all buildings classified as Group H, Division 4 Occupancies used for the repair or handling of motor vehicles operating under their own power, mechanical ventilation shall be provided capable of exhausting a minimum of 1.5 cubic feet per minute per square foot (0.044 L/s/m²) of floor area. Each engine repair stall shall be equipped with an exhaust pipe extension duct, extending to the outside of the building, which, if over 10 feet (3048 mm) in length, shall mechanically exhaust 300 cubic feet per minute (141.6 L/s). Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

EXCEPTION: When approved, ventilating equipment may be omitted in repair garages, enclosed heliports and aircraft hangars when well-distributed unobstructed openings to the outer air of sufficient size to supply necessary ventilation are furnished.

1202.2.7 Group S parking garages. In Group S, Division 3 parking garages, other than open parking garages, used for storing or handling automobiles operating under their own power and on loading platforms in bus terminals, ventilation shall be provided which complies with Ventilation and Indoor Air Quality Code Section 304. The building official may approve an alternate ventilation system designed to exhaust a minimum of 14,000 cfm (6608 L/s) for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles, but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic carbon monoxide-sensing devices may be employed to modulate the ventilation system to maintain a maximum average concentration of carbon monoxide of 50 parts per million during any eight-hour period, with a maximum concentration not greater than 200 parts per million for a period not exceeding one hour. Connecting offices, waiting rooms, ticket booths and similar uses shall be supplied with conditioned air under positive pressure.

EXCEPTION: Mechanical ventilation need not be provided within a Group S, Division 3 parking garage when openings complying with Section 311.9.2.2 are provided.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1203 Section 1203—Light and ventilation in Group R occupancies.

1203.3 Ventilation. (~~Guest rooms and habitable rooms within a dwelling unit or congregate residence~~) Group R Occupancies shall be provided with ventilation systems which comply with Ventilation and Indoor Air Quality Code Section 302 and 303. Public corridors in Group R Occupancies shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one twentieth of the floor area of such ((rooms)) corridors with a minimum of 5 square feet (0.46 m²).

In lieu of required exterior openings for natural ventilation in public corridors, a mechanical ventilating system may be provided. Such system shall be capable of providing two air changes per hour (~~in guest rooms, dormitories, habitable rooms and in public corridors~~) with a minimum of 15 cubic feet per minute (7 L/s) of outside air per occupant during such time as the building is occupied.

~~((Bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one twentieth of the floor area of such rooms with a minimum of 1 1/2 square feet (0.14 m²).~~

~~In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower or combination thereof, laundry rooms, and similar rooms, a mechanical ventilation system connected directly to the outside capable of providing five air changes per hour shall be provided.)) The point of discharge for mechanical ventilating systems shall be at least 3 feet (914 mm) from any opening which allows air entry into occupied portions of the building. ((Bathrooms which contain only a water closet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.))~~

NEW SECTION

WAC 51-40-1505 Section 1505—Attics: Access, draft stops and ventilation.

1505.1 Access. An attic access opening shall be provided to attics of buildings with combustible ceiling or roof construction.

EXCEPTIONS:

1. Attics with a maximum vertical height of less than 30 inches (762 mm).
2. Attics with a volume of less than 100 cubic feet (2.8 m³).

The opening shall not be less than 22 inches (559 mm) by 30 inches (762 mm) and shall be located in a corridor, hallway or other readily accessible location. Thirty-inch-minimum (762 mm) unobstructed headroom in the attic space shall be provided at or above the access opening.

OPTION 1: CHAPTERS 16-23

NEW SECTION

WAC 51-40-1600 Chapter 16. Delete Chapter 16, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 16, 2000 edition of the International Building Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-1700 Chapter 17. Delete Chapter 17, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 17, 2000 edition of the International Building Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-1800 Chapter 18. Delete Chapter 18, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 18, 2000 edition of the International Building Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-1900 Chapter 19. Delete Chapter 19, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 19, 2000 edition of the International Building Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-2000 Chapter 20. Delete Chapter 20, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 20, 2000 edition of the International Building

Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-2100 Chapter 21. Delete Chapter 21, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 21, 2000 edition of the International Building Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-2200 Chapter 22. Delete Chapter 22, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 22, 2000 edition of the International Building Code published by the International Code Council in its place.

NEW SECTION

WAC 51-40-2300 Chapter 23. Delete Chapter 23, 1997 edition of the Uniform Building Code and substitute by reference, Chapter 23, 2000 edition of the International Building Code published by the International Code Council in its place.

OPTION 2: CHAPTERS 16-23

Note: Maintain Chapters 16-23, 1997 edition of the Uniform Building Code as modified by the following amendments.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-1616 Section 1616—Definitions.

EXPOSURE D represents the most severe exposure in areas with basic wind speeds greater than 80 miles per hour (mph) (129 km/h) and has terrain which is flat and unobstructed facing large bodies of water over one mile (1.61 km) or more in width relative to any quadrant of the building site. Exposure D extends inland from the shoreline 1/4 mile (0.40 km) or 10 times the building height, whichever is greater.

TABLE 16-A—UNIFORM AND CONCENTRATED LOADS

<u>Use or Occupancy</u>		<u>Uniform Load¹</u> <u>(psf)</u>	<u>Concentrated Load</u> <u>(pounds)</u>
<u>Category</u>	<u>Description</u>	<u>x 0.0479</u> <u>for kN/m²</u>	<u>x 0.00448</u> <u>for kN</u>
<u>1. Access floor system</u>	<u>Office use</u>	<u>50</u>	<u>2,000²</u>
	<u>Computer use</u>	<u>100</u>	<u>2,000²</u>
<u>2. Armories</u>		<u>150</u>	<u>0</u>

PROPOSED

<u>Use or Occupancy</u>		<u>Uniform Load¹</u> <u>(psf)</u>	<u>Concentrated Load</u> <u>(pounds)</u>
<u>Category</u>	<u>Description</u>	<u>x 0.0479</u> <u>for kN/m²</u>	<u>x 0.00448</u> <u>for kN</u>
3. <u>Assembly areas² and auditoriums and balconies therewith</u>	<u>Fixed seating areas</u>	50	0
	<u>Moveable seating and other areas</u>	100	0
	<u>Stage areas and enclosed platforms</u>	125	0
4. <u>Cornices and marquees</u>		60 ⁴	0
5. <u>Exit facilities²</u>		100	0 ⁶
6. <u>Garages</u>	<u>General storage and/or repair</u>	100	1
	<u>Private or pleasure-type motor vehicle storage</u>	50	1
7. <u>Hospitals</u>	<u>Wards and rooms</u>	40	1,000 ²
8. <u>Libraries</u>	<u>Reading rooms</u>	60	1,000 ²
	<u>Stack rooms</u>	125	1,500 ²
9. <u>Manufacturing</u>	<u>Light</u>	75	2,000 ²
	<u>Heavy</u>	125	3,000 ²
10. <u>Offices</u>		50	2,000 ²
11. <u>Printing plants</u>	<u>Press rooms</u>	150	2,500 ²
	<u>Composing and linotype rooms</u>	100	2,000 ²
12. <u>Residential⁸</u>	<u>Basic floor area</u>	40	0 ⁶
	<u>Exterior balconies</u>	60 ⁴	0
	<u>Decks</u>	40 ⁴	0
	<u>Storage</u>	40	0
13. <u>Restrooms²</u>			
14. <u>Reviewing stands, grandstands, bleachers, and folding and telescoping seating</u>		100	0
15. <u>Roof decks</u>	<u>Same as area served or for the type of occupancy accommodated</u>		
16. <u>Schools</u>	<u>Classrooms</u>	40	1,000 ²
17. <u>Sidewalks and driveways</u>	<u>Public access</u>	250	1
18. <u>Storage</u>	<u>Light</u>	125	
	<u>Heavy</u>	250	
19. <u>Stores</u>		100	3,000 ²
20. <u>Pedestrian bridges and walkways¹⁰</u>		100 ⁴	

¹ See Section 1607 for live load reductions.

² See Section 1607.3.3, first paragraph, for area of load application.

³ Assembly areas include such occupancies as dance halls, drill rooms, gymnasiums, playgrounds, plazas, terraces and similar occupancies that are generally accessible to the public.

⁴ When snow loads occur that are in excess of the design conditions, the structure shall be designed to support the loads due to the increased loads caused by drift buildup or a greater snow design as determined by the building official. See Section 1614. For special-purpose roofs, see Section 1607.4.4.

⁵ Exit facilities shall include such uses as corridors serving an occupant load of 10 or more persons, exterior exit balconies, stairways, fire escapes and similar uses.

⁶ Individual stair treads shall be designed to support a 300-pound (1.33 kN) concentrated load placed in a position that would cause maximum

stress. Stair stringers may be designed for the uniform load set forth in the table.

⁷ See Section 1607.3.3, second paragraph, for concentrated loads. See Table 16-B for vehicle barriers.

⁸ Residential occupancies include private dwellings, apartments and hotel guest rooms.

⁹ Restroom loads shall not be less than the load for the occupancy with which they are associated, but need not exceed 50 pounds per square foot (2.4 kN/m²).

¹⁰ Gangways and bridges that are not open to the public and serving not more than two Group R, Division 3 dwelling units shall be designed for a minimum uniform load of 40 PSF.

NEW SECTION

WAC 51-40-2106

2106.2.14 Placement of embedded anchor bolts.

2106.2.14.1 General. Placement requirements for plate anchor bolts, headed anchor bolts and bent bar anchor bolts shall be determined in accordance with this subsection. Bent bar anchor bolts shall have a hook with a 90-degree bend with an inside diameter of three bolt diameters, plus an extension of one and one half bolt diameters at the free end. Plate anchor bolts shall have a plate welded to the shank to provide anchorage equivalent to headed anchor bolts.

The effective embedment depth l_b for plate or headed anchor bolts shall be the length of embedment measured perpendicular from the surface of the masonry to the bearing surface of the plate or head of the anchorage, and l_b for bent bar anchors shall be the length of embedment measured perpendicular from the surface of the masonry to the bearing surface of the bent end minus one anchor bolt diameter. All bolts shall be grouted in place, except that 1/4-inch-diameter (6.4mm) bolts may be placed in bed joints which are at least 1/2 inch (12.7 mm) in thickness.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-2900 Chapter 29—Plumbing systems.

SECTION 2901—PLUMBING CODE.

Plumbing systems shall comply with the Plumbing Code.

SECTION 2902—GENERAL

2902.1 Number of Fixtures.

2902.1.1 Requirements. Plumbing fixtures shall be provided in the minimum number shown in Table 29-A and in this Chapter. Where the proposed occupancy is not listed in Table 29-A, the building official shall determine fixture requirements based on the occupancy which most nearly resembles the intended occupancy.

Plumbing fixtures need not be provided for unoccupied buildings or facilities.

2902.1.2 Private offices. Fixtures only accessible to private offices shall not be counted to determine compliance with this section.

2902.1.3 Occupancy load distribution. The occupant load shall be divided equally between the sexes, unless data approved by the building official indicates a different distribution of the sexes.

2902.1.4 Food preparation areas. In food preparation, serving and related storage areas, additional fixture requirements may be dictated by health codes.

2902.1.5 Other requirements. For other requirements for plumbing facilities, see Sections 302.6, 807, 313.5.5 and Chapter 11.

2902.2 Access to Fixtures.

2902.2.1 Location. Plumbing fixtures shall be located in each building or conveniently in a building adjacent thereto on the same property.

2902.2.2 Multiple tenants. Access to toilets serving multiple tenants shall be through a common use area and not through an area controlled by a tenant.

2902.2.3 Multi-story buildings. Required fixtures shall not be located more than one vertical story above or below the area served.

2902.3 Separate Facilities.

2902.3.1 Requirements. Separate toilet facilities shall be provided for each sex.

EXCEPTION((S)):(+)) In occupancies serving ((+)) 15 or fewer persons, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes. ((2—In Group B and M Occupancies with a total floor area of 1500 square feet (139.5 m²) or less, one toilet facility designed for use by no more than one person at a time shall be permitted for use by both sexes.))

2902.3.2 Food service establishments. When customers and employees share the same facilities, customers accessing the facilities are excluded from food preparation and storage areas.

2902.4 Pay Facilities. Required facilities shall be free of charge. Where pay facilities are installed, they shall be in addition to the minimum required facilities.

2902.5 is not adopted.

2902.6 is not adopted.

SECTION 2903—SPECIAL PROVISIONS

2903.1 Dwelling Units. Dwelling units shall be provided with a kitchen sink.

2903.2 Water Closet Space Requirements. The water closet stool in all occupancies shall be located in a clear space not less than 30 inches (762 mm) in width, with a clear space in front of the stool of not less than 24 inches (610 mm).

2903.3 Water. Each required sink, lavatory, bathtub and shower stall shall be equipped with hot and cold running water necessary for its normal operation.

2903.4 Drinking Fountains.

2903.4.1 Number. Occupant loads over 30 shall have one drinking fountain for the first 150 occupants, then one per each additional 500 occupants.

EXCEPTIONS:

1. Sporting facilities with concessions serving drinks shall have one drinking fountain for each 1000 occupants.
2. A drinking fountain need not be provided in a drinking or dining establishment.

PROPOSED

2904.2 Multi-story buildings. Drinking fountains shall be provided on each floor having more than 30 occupants in schools, dormitories, auditoriums, theaters, offices and public buildings.

2903.4.3 Penal Institutions. Penal institutions shall have one drinking fountain on each cell block floor and one on each exercise floor.

2903.4.4 Location. Drinking fountains shall not be located in toilet rooms.

SECTION 2904 is not adopted.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-2929 Table 29-A—Minimum plumbing fixtures.

TABLE 29-A — MINIMUM PLUMBING FIXTURES ^{1,2,4,6}

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
For the occupancies listed below, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Group A	1:1-25	1:1-25	one per 2 water closets		
<u>Assembly places —</u>	2:26-75	2:26-75			
Conference rooms, dining	3:76-125	3:76-125			
rooms, drinking establish-	4:126-200	4:126-200			
ments, exhibit rooms, gymna-	5:201-300	5:201-300			
siums, lounges, stages and	6:301-400	6:301-400			
similar uses including restau-	Over 400, add one fixture for				
rants classified as Group B	each additional 200 males or				
Occupancies	150 females.				
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 15 square feet (1.39 m ²) per occupant for the minimum number of plumbing fixtures.					
Assembly places —	1:1-100	One per 25	1:1-200	1:1-200	
Theaters, auditoriums, con-	2:101-200	up to 400	2:201-400	2:201-400	
vention halls, dance floors,	3:201-400		3:401-750	3:401-750	
lodge rooms, casinos, and	Over 400, add one fixture for		Over 750, add one fixture for		
such places which have lim-	each additional 250 males or		each additional 500 persons.		
ited time for fixture use (inter-	50 females.				
missions)					
(Group A)	1:1-100	One per 50	1:1-200	1:1-200	
Assembly places —	2:101-200	up to 400	2:201-400	2:201-400	
Stadiums, arena and other	3:201-400		3:401-750	3:401-750	
sporting facilities where fix-	Over 400, add one fixture for		Over 750, add one fixture for		
ture use is not limited to inter-	each additional 300 males or		each additional 500 persons.		
missions.	100 females.				
For the assembly occupancies listed below, use the number of fixed seating or, where no fixed seating is provided, use 30 square feet (2.79 m ²) per occupant for the minimum number of plumbing fixtures.					
Worship places					
Principal assembly	one per 150	one per 75	one per 2 water closets		
area					
(Worship places)					
Educational and	one per 125	one per 75	one per 2 water closets		
activity unit					
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures					

PROPOSED

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
Group B and other clerical or administrative, employee accessory use	1:1-15 2:16-35 3:36-55 Over 55, add one for each additional 50 persons.	1:1-15 2:16-35 3:36-55	one per 2 water closets		
For the occupancies listed below, use 100 square feet (9.3 m ²) per student for the minimum number of plumbing fixtures.					
Group E Schools — for staff use All schools (One staff per 20 students) Schools — for student use Day care Elementary Secondary	1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons.	1:1-15 2:16-35 3:36-55	one per two water closets		
	1:1-20 2:21-50 Over 50, add one fixture for each additional 50 persons.	1:1-20 2:21-50	1:1-20 2:21-50	1:1-20 2:21-50	Over 50, add one fixture for each additional 50 persons.
	one per 30 one per 40	one per 25 one per 30	one per two water closets one per two water closets		
For the occupancies listed below, use 50 square feet (4.65 m ²) per occupant for the minimum number of plumbing fixtures.					
Education Facilities other than Group E Others (colleges, universities, adult centers, etc.)	one per 40	one per 25	one per two water closets		
For the occupancies listed below, use 2,000 square feet (185.8 m ²) per occupant for the minimum number of plumbing fixtures.					
Group F and Group H Workshop, foundries and similar establishments, and hazardous occupancies	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one fixture for each additional 30 persons.	1:1-10 2:11-25 3:26-50 4:51-75 5:76-100	one per two water closets		one shower for each 15 persons exposed to excessive heat or to skin contamination with irritating materials
For the occupancies listed below, use the designated application and 200 square feet (18.58 m ²) per occupant of the general use area for the minimum number of plumbing fixtures.					
Group I ⁷ Hospital waiting rooms Hospital general use areas	one per room (usable by either sex) 1:1-15 2:16-35 3:36-55 Over 55, add one fixture for each additional 40 persons.	1:1-15 3:16-35 4:36-55	one per room one per two water closets		
Hospital patient rooms: Single Bed Isolation Multi-Bed Long-term	one adjacent to and directly accessible from one adjacent to and directly accessible from one per four patients one per four patients		one per toilet room one per toilet room one per four patients one per four patients		one per toilet room one per toilet room one per eight patients one per 15 patients

PROPOSED

TYPE OF BUILDING OR OCCUPANCY	WATER CLOSETS (fixtures per person)		LAVATORIES ⁵ (fixtures per person)		BATHTUB OR SHOWER (fixtures per person)
	MALE ³	FEMALE	MALE	FEMALE	
Jails and reformatories Cell Exercise room	one per cell one per exercise room		one per cell one per exercise room		
Other institutions (on each occupied floor)	one per 25	one per 25	one per two water closets		one per eight
Group LC For Group LC Occupancies, the minimum number of plumbing fixtures is specified in Section 313.5.5.					
For the occupancies listed below, use 200 square feet (18.58 m ²) per occupant for the minimum number of plumbing fixtures.					
Group M Retail or wholesale stores	1:1-50 2:51-100 3:101-400 4:201-300 5:301-400 Over 400, add one fixture for each additional 300 males or 150 females.	1:1-50 2:51-100 3:101-200 4:201-300 5:301-400	one per two water closets		
For Group R Occupancies, dwelling units and hotel guest rooms, use the table below. For congregate residences, use 200 square feet (18.58 m ²) per occupant for Group R, Division 1 Occupancies and 300 square feet (27.87 m ²) per occupant for Group R, Division 3 Occupancies for the minimum number of plumbing fixtures.					
Group R Dwelling units Hotel guest rooms Congregate residences	one per dwelling unit one per guest room one per 10 one per 8 Over 10, add one fixture for each additional 25 males and over 8, add one for each additional 20 females.		one per dwelling unit one per guest room one per 12 one per 12		one per dwelling unit one per guest room one per eight For females, add one additional unit per each additional 30. Over 150 persons, add one additional unit per each additional 20 persons.
For the occupancies listed below, use 5,000 square feet (464.5 m ²) per occupant for the minimum number of plumbing fixtures.					
Group S Warehouses	1:10-10 2:11-25 3:26-50 4:51-75 5:76-100 Over 100, add one for each 30 persons.	1:10-10 2:11-25 3:26-50 4:51-75 5:76-100	One per 40 occupants of each sex.		one shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating materials.

PROPOSED

¹ The figures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction thereof.

² For occupancies not shown, see Section 2902.1.1.

³ Where urinals are provided, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one quarter (25%) of the minimum specified. For men's facilities serving 26 or more persons, not less than one urinal shall be provided.

⁴ For drinking fountains, see Section 2903.4.

⁵ Twenty-four inches (610 mm) of wash sink or 18 inches (457 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one lavatory.

⁶ For when a facility may be usable by either sex, see Section 2902.3.1.

⁷ See WAC 246-318-690 for definitions, other fixtures and equipment for hospitals.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-3102 Section 3102—Chimneys, fireplaces and barbecues.

3102.5.4 Emission Standards for Factory-built Fireplaces. After January 1, 1997, no new or used factory-built fireplace shall be installed in Washington State unless it is certified and labeled in accordance with procedures and criteria specified in the ((UBC)) Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required

if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington State Department of Ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

3102.7.14 Emission Standards for Certified Masonry and Concrete Fireplaces. After January 1, 1997, new certified masonry or concrete fireplaces installed in Washington State shall be tested and labeled in accordance with procedures and criteria specified in the ((~~UBC~~)) Washington State Building Code Standard 31-2.

To certify an entire fireplace model line, the internal assembly shall be tested to determine its particulate matter emission performance. Retesting and recertifying is required if the design and construction specifications of the fireplace model line internal assembly change. Testing for certification shall be performed by a Washington State Department of Ecology (DOE) approved and U.S. Environmental Protection Agency (EPA) accredited laboratory.

AMENDATORY SECTION (Amending WSR 98-02-054, filed 1/6/98, effective 7/1/98)

WAC 51-40-31200 Section 31-2—Standard test method for particulate emissions from fireplaces.

((~~UNIFORM BUILDING CODE~~)) WASHINGTON STATE BUILDING CODE STANDARD 31-2
STANDARD TEST METHOD FOR PARTICULATE EMISSIONS FROM FIREPLACES

See Sections 3102.5.4 and 3102.7.14, *Uniform Building Code*

SECTION 31.200—TITLE and SCOPE.

SECTION 31.200.1—TITLE.

This Appendix Chapter 31-2 shall be known as the "Washington State Standard Test Method for Particulate Emissions from Fireplaces" and may be cited as such; and will be referred to herein as "this Standard".

SECTION 31.200.2—SCOPE.

This Standard covers emissions performance, approval/certification procedures, test laboratory accreditation, record keeping, reporting requirements, and the test protocol for measuring particulate emissions from fireplaces.

All testing, reporting and inspection requirements of this Standard shall be conducted by a Washington State Department of Ecology (DOE) approved testing laboratory. In order to qualify for DOE approval, the test laboratory must be a U.S. Environmental Protection Agency (EPA) accredited laboratory (40 CFR Part 60, Subpart AAA). DOE may approve a test laboratory upon submittal of the following information:

1. A copy of their U.S. EPA accreditation certificate; and

2. A description of their facilities, test equipment, and test-personnel qualifications including education and work experience.

DOE may revoke a test laboratory approval when the test laboratory is no longer accredited by the U.S. EPA or if DOE determines that the test laboratory does not adhere to the testing requirements of this Chapter.

SECTION 31.201—DEFINITIONS. For the purpose of this Standard certain terms are defined as follows:

ANALYZER CALIBRATION ERROR is the difference between the gas concentration exhibited by the gas analyzer and the known concentration of the calibration gas when the calibration gas is introduced directly to the analyzer.

BURN RATE is the average rate at which test-fuel is consumed in a fireplace measured in kilograms of wood (dry basis) per hour (kg/hr) during a test-burn.

CALIBRATION DRIFT is the difference in the analyzer reading from the initial calibration response at a mid-range calibration value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

CALIBRATION GAS is a known concentration of Carbon Dioxide (CO₂), Carbon Monoxide (CO), or Oxygen (O₂) in Nitrogen (N₂).

CERTIFICATION or AUDIT TEST is the completion of at least one, three-fuel-load test-burn cycle in accordance with Section 31.202.

FIREBOX is the chamber in the fireplace in which a test-fuel charge(s) is placed and combusted.

FIREPLACE is a wood burning device which is exempt from U.S. EPA 40 CFR Part 60, Subpart AAA and:

1. is not a cookstove, boiler, furnace, or pellet stove as defined in 40 CFR Part 60, Subpart AAA, and
2. is not a masonry heater as defined in Section 31.201, and
3. see Section 3102, Uniform Building Code for definitions of masonry and factory-built fireplaces as used in this Standard.

FIREPLACE DESIGN is the construction and/or fabrication specifications including all dimensions and materials required for manufacturing or building fireplaces with identical combustion function and particulate emissions factors.

FIREPLACE MODEL LINE is a series of fireplace models which all have the same internal assembly. Each model in a model line may have different facade designs and external decorative features.

FIREPLACE, CERTIFIED, is a fireplace that meets the emission performance standards when tested according to UBC Standard 31-2.

FIREPLACE, NON-CERTIFIED, (masonry or concrete) is any fireplace that is not a certified fireplace. A non-certified fireplace will be subject to applicable burn ban restrictions.

INTERNAL ASSEMBLY is the core construction and firebox design which produces the same function and emissions factor for a fireplace model line.

MASONRY HEATER is a heating system of predominantly masonry construction having a mass of at least 800 kg (1760 lbs), excluding the chimney and foundation, which is designed to absorb a substantial portion of the heat energy from a rapidly-burned charge of solid fuel by:

a) routing of exhaust gases through internal heat exchange channels in which the flow path downstream of the firebox includes at least one 180 degree change in flow direction, usually downward, before entering the chimney, and

b) being constructed of sufficient mass such that under normal operating conditions the external surface of the heater, except in the region immediately surrounding the fuel loading door(s), does not exceed 110°C (230°F).

Masonry heaters shall be listed or installed in accordance with ASTM E-1602.

RESPONSE TIME is the amount of time required for the measurement system to display 95 percent of a step change in gas concentration.

SAMPLING SYSTEM BIAS is the difference between the gas concentrations exhibited by the analyzer when a known concentration gas is introduced at the outlet of the sampling probe and when the sample gas is introduced directly to the analyzer.

SPAN is the upper limit of the gas concentration measurement range (25 percent for CO₂, O₂, and 5 percent for CO).

TEST FACILITY is the area in which the fireplace is installed, operated, and sampled for emissions.

TEST FUEL LOADING DENSITY is the weight of the as-fired test-fuel charge per unit area of usable firebox floor (or hearth).

TEST-BURN is an individual emission test which encompasses the time required to consume the mass of three consecutively burned test-fuel charges.

TEST-FUEL CHARGE is the collection of test fuel pieces placed in the fireplace at the start of certification test.

USABLE FIREBOX AREA is the floor (or hearth) area, within the fire chamber of a fireplace upon which a fire may be, or is intended to be built. Usable firebox area is calculated using the following definitions:

1. Length. The longest horizontal fire chamber dimension along the floor of the firebox that is parallel to a wall of the fire chamber.

2. Width. The shortest horizontal fire chamber dimension along the floor of the firebox that is parallel to a wall of the fire chamber.

3. For angled or curved firebox walls and/or sides, the effective usable firebox area shall be determined by calculat-

ing the sum of standard geometric areas or sub-areas of the firebox floor.

If a fireplace has a floor area within the fire chamber which is larger than the area upon which it is intended that fuel be placed and burned, the usable firebox area shall be calculated as the sum of standard geometric areas or sub-areas of the area intended for fuel placement and burning. For fireplace grates which elevate the fuel above the firebox floor, usable firebox area determined in this manner shall be multiplied by a factor of 1.5. The weight of test-fuel charges for fireplace-grate usable-firebox-area tests, shall not exceed the weight of test-fuel charges determined for the entire fireplace floor area.

ZERO DRIFT is the difference in the analyzer reading from the initial calibration response at the zero concentration level after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.

Section 31.202—Testing.

31.202.1 Applicability. This method is applicable for the certification and auditing of fireplace particulate emission factors. This method describes the test facility, fireplace installation requirements, test-fuel charges, and fireplace operation as well as procedures for determining burn rates and particulate emission factors.

31.202.2 Principle. Particulate matter emissions are measured from a fireplace burning prepared test-fuel charges in a test facility maintained at a set of prescribed conditions.

31.202.3 Test Apparatus.

31.202.3.1 Fireplace Temperature Monitors. Device(s) capable of measuring flue-gas temperature to within 1.5 percent of expected absolute temperatures.

31.202.3.2 Test Facility Temperature Monitor. A thermocouple located centrally in a vertically oriented pipe shield 6 inches (150 mm) long, 2 inches (50 mm) diameter that is open at both ends, capable of measuring air temperature to within 1.5 percent of expected absolute temperatures.

31.202.3.3 Balance. Balance capable of weighing the test-fuel charge(s) to within 0.1 lb (0.05 kg).

31.202.3.4 Moisture Meter. Calibrated electrical resistance meter for measuring test-fuel moisture to within 1 percent moisture content (dry basis).

31.202.3.5 Anemometer. Device capable of detecting air velocities less than 20 ft/min (0.10 m/sec), for measuring air velocities near the fireplace being tested.

31.202.3.6 Barometer. Mercury, aneroid or other barometer capable of measuring atmospheric pressure to within 0.1 inch Hg (2.5 mm Hg).

31.202.3.7 Draft Gauge. Electromanometer or other device for the determination of flue draft (i.e., static pressure) readable to within 0.002 inches of water column (0.50 Pa).

PROPOSED

31.202.3.8 Combustion Gas Analyzer. Combustion gas analyzers for measuring Carbon Dioxide (CO₂), Carbon Monoxide (CO), and Oxygen (O₂) in the fireplace exhaust-gas stream must meet all of the following measurement system performance specifications:

1. **Analyzer Calibration Error.** Shall be less than ± 2 percent of the span value for the zero, mid-range, and high-range calibration gases.
2. **Sampling System Bias.** Shall be less than ± 5 percent of the span value for the zero, mid-range, and high-range calibration gases.
3. **Zero Drift.** Shall be less than ± 3 percent of the span over the period of each run.
4. **Calibration Drift.** Shall be less than ± 3 percent of the span value over the period of each run.
5. **Response Time.** Shall be less than 1.5 minutes.

31.202.4 Emissions Sampling Method. Use the emission sampler system (ESS) as described in Section 31.203.12 or an equivalent method as determined by the application of the U.S. EPA Method 301 Validation Procedure (Federal Register, December 12, 1992, Volume 57, Number 250, page 11998) and upon approval of DOE.

31.202.5 Fireplace Installation and Test Facility Requirements. The fireplace being tested must be constructed, if site-built, or installed, if manufactured, in accordance with the designer's/manufacture's written instructions. The chimney shall have a total vertical height above the base of the fire chamber of not less than 15 feet (4 600 mm). The fireplace chimney exit to the atmosphere must be freely communicating with the fireplace combustion makeup-air source. There shall be no artificial atmospheric pressure differential imposed between the chimney exit to the atmosphere and the fireplace makeup-air inlet.

31.202.6 Fireplace Aging and Curing. A fireplace of any type shall be aged before certification testing begins. The aging procedure shall be conducted and documented by the testing laboratory.

31.202.6.1 Catalyst-Equipped Fireplaces. Operate the catalyst-equipped fireplace using fuel described in Section 31.203. Operate the fireplace with a new catalytic combustor in place and in operation for at least 50 hours. Record and report hourly catalyst exit temperatures, the hours of operation, and the weight of all fuel used.

31.202.6.2 Non-Catalyst-Equipped Fireplaces. Operate the fireplace using the fuel described in Section 31.203 for at least 10 hours. Record and report the hours of operation and weight of all fuel used.

31.202.7 Pretest Preparation. Record the test-fuel charge dimensions, moisture content, weights, and fireplace (and catalyst if equipped) descriptions.

The fireplace description shall include photographs showing all externally observable features and drawings

showing all internal and external dimensions needed for fabrication and/or construction. The drawings must be verified as representing the fireplace being tested and signed by an authorized representative of the testing laboratory.

31.202.8 Test Facility Conditions. Locate the test facility temperature monitor on the horizontal plane that includes the primary air intake opening for the fireplace. Locate the temperature monitor 3 to 6 feet (1 000 to 2 000 mm) from the front of the fireplace in the 90° sector in front of the fireplace. Test facility temperatures shall be maintained between 65° and 90°F (18° and 32°C). Use an anemometer to measure the air velocity. Measure and record the room-air velocity within 2 feet (600 mm) of the test fireplace before test initiation and once immediately following the test-burn completion. Air velocity shall be less than 50 feet/minute (250 mm/second) without the fireplace operating.

Section 31.203—Test protocol.

31.203.1 Test Fuel. Fuel shall be air dried Douglas fir dimensional lumber or cordwood without naturally associated bark. Fuel pieces shall not be less than 1/2 nor more than 5/6 of the length of the average fire chamber width. Fuel shall be split or cut into pieces with no cross-sectional dimension greater than 6 inches (152 mm). Spacers, if used, shall not exceed 3/4 inches (19 mm) in thickness and 15 percent of the test-fuel charge weight. Fuel moisture shall be in the range of 16 to 20 percent (wet basis) or 19 to 25 percent (dry basis) meter reading.

31.203.2 Test-Fuel Loading Density. The wet (with moisture) minimum weight of each test-fuel charge shall be calculated by multiplying the hearth area in square feet by 7.0 pounds per square foot (square meters x 0.30 kg/m²) (± 10 percent). Three test-fuel charges shall be prepared for each test-burn.

31.203.3 Kindling. The initial test-fuel charge of the three test-fuel charge test-burn shall be started by using a kindling-fuel charge which is up to 50 percent of the first test-fuel charge weight. Kindling-fuel pieces can be any size needed to start the fire or whatever is recommended in the manufacturer's (builder's) instructions to consumers. The kindling-fuel charge weight is not part of the initial test-fuel charge weight but is in addition to it.

31.203.4 Test-Burn Ignition. The fire can be started with or without paper. If used, the weight of the paper must be included in test-fuel charge weight. The remainder of the test-fuel charge may be added at any time after kindling ignition except that the entire first test-fuel charge must be added within 10 minutes after the start of the test (i.e., the time at which the flue-gas temperature at the 8-foot (2 440 mm) level is over 25°F (14°C) greater than the ambient temperature of the test facility).

31.203.5 Test Initiation. Emissions and flue-gas sampling are initiated immediately after the kindling has been ignited and when flue-gas temperatures in the center of the flue at an elevation of 8 feet (2 440 mm) above the base (floor) of the

fire chamber reach 25°F (14°C) greater than the ambient temperature of the test facility.

31.203.6 Sampling Parameters. Sampling (from the 8-foot [2 440 mm] flue-gas temperature measurement location) must include:

1. Particulate Emissions
2. Carbon Dioxide (CO₂)¹
3. Carbon Monoxide (CO)¹
4. Oxygen (O₂)¹
5. Temperature(s)

¹ These gases shall be measured on-line (real-time) and recorded at a frequency of not less than once every 5 minutes. These 5-minute readings are to be arithmetically averaged over the test-burn series or alternatively, a gas bag sample can be taken at a constant sample rate over the entire test-burn series and analyzed for the required gases within one hour of the end of the test-burn.

If a fireplace is equipped with an emissions control device which is located downstream from the 8-foot (2 440 mm) flue-gas temperature measurement location, a second temperature, particulate, and gaseous emissions sampling location must be located downstream from the emissions control device but not less than 4 flue diameters upstream from the flue exit to the atmosphere. The two sampling locations must be sampled simultaneously during testing for each fireplace configuration being tested.

31.203.7 Test-Fuel Additions and Test Completion. The second and third test-fuel charges for a test-burn may be placed and burned in the fire chamber at any time deemed reasonable by the operator or when recommended by the manufacturer's and/or builder's instructions to consumers.

No additional kindling may be added after the start of a test-burn series and the flue-gas temperature at the 8-foot (2 440 mm) level above the base of the hearth must always be 25°F (14°C) greater than the ambient temperature of the test facility for a valid test-burn series. Each entire test-fuel charge must be added within 10 minutes from the addition of the first piece.

A test (i.e., a three test-fuel charge test-burn series) is completed and all sampling and measurements are stopped when all three test-fuel charges have been consumed (to more than 90 percent by weight) in the firebox and the 8-foot (2 440 mm) level flue-gas temperature drops below 25°F (14°C) greater than the ambient temperature of the test facility. Within 5 minutes after the test-burn is completed and all measurements and sampling has stopped, the remaining coals and/or unburned fuel, shall be extinguished with a carbon dioxide fire extinguisher. All of the remaining coals, unburned fuel, and ash shall be removed from the firebox and weighed to the nearest 0.1 pound (0.05 kg). The weight of these unburned materials and ash shall be subtracted from the total test-burn fuel weight when calculating the test-burn burn rate. A test-burn is invalid if less than 90 percent of the weight of the total test-fuel charges plus the kindling weight have been consumed in the fireplace firebox.

31.203.8 Test-Fuel Charge (Load) Adjustments. Test-fuel charges may be adjusted (i.e., repositioned) once during the burning of each test-fuel charge. The time used to make this adjustment shall be less than 15 seconds.

31.203.9 Air Supply Adjustment. Air supply controls, if the fireplace is equipped with controls, may not be adjusted during any test-burn series after the first 10 minutes of startup of each fuel load. All air supply settings must be set to the lowest level at the start of a test and shall remain at the lowest setting throughout a test-burn.

31.203.10 Auxiliary Fireplace Equipment Operation. Heat exchange blowers (standard or optional) sold with the fireplace shall be operated during all test-burns following the manufacturer's written instructions. If no manufacturer's written instructions are available, operate the heat exchange blower in the "high" position. (Automatically operated blowers shall be operated as designed.) Shaker grates, by-pass controls, afterburners, or other auxiliary equipment may be adjusted only once per test-fuel charge following the manufacturer's written instructions. Record and report all adjustments on a fireplace operational written-record.

31.203.11 Fireplace Configurations. One, 3 test-fuel charge test-burn shall be conducted for each of the following fireplace operating configurations:

1. Door(s) closed, with hearth grate;
2. Door(s) open, with hearth grate;
3. Door(s) closed, without hearth grate;
4. Door(s) open, without hearth grate; and
5. With no doors, and draft inducer on.

No test-burn series is necessary for any configuration the appliance design cannot or is not intended to accommodate. If a configuration is not tested, the reason must be submitted with the test report and the appliance label must state that the appliance cannot be used in that configuration by consumer users.

One emission factor result, or one emission factor average, as provided in paragraph 31.203.11.2, from each fireplace configuration tested shall be compiled into an arithmetic average of all the configurations tested for determining compliance with the requirements of paragraph 31.204.2.

31.203.11.1 Closed-Door(s) Testing. For all closed-door test configurations, the door(s) must be closed within 10 minutes from the addition of the first test-fuel piece of each test-fuel charge in a test-burn. During a test-burn, the door(s) cannot be re-opened except during test-fuel reload and adjustment as referenced in Sections 31.203.7 and 31.203.8.

31.203.11.2 Additional Test-Burn. The testing laboratory may conduct more than one test-burn series for each of the applicable configurations specified in Section 31.203.11. If more than one test-burn is conducted for a specified configuration, the results from at least 2/3 of the test-burns for that configuration shall be used in calculating the arithmetic average emission factor for that configuration. The measurement

data and results of all tests conducted shall be reported regardless of which values are used in calculating the average emission factor for that configuration.

31.203.12 Emissions Sampling System (ESS).

31.203.12.1 Principle. Figure 31-2-1 shows a schematic of an ESS for sampling solid-fuel-fired fireplace emissions. Except as specified in Section 31.202.4, an ESS in this configuration shall be used to sample all fireplace emissions. The ESS shall draw flue gases through a 15 inch (380 mm) long, 3/8 inch (10 mm) O.D. stainless steel probe which samples from the center of the flue at an elevation which is 8 feet (2 440 mm) above the floor of the firebox (i.e., the hearth). A flue-gas sample shall then travel through a 3/8 inch (10 mm) O.D. Teflon® tube, and a heated U.S. EPA Method 5-type glass-fiber filter (40 CFR Part 60, Appendix A) for collection of particulate matter. The filter shall be followed by an in-line flow-through cartridge containing 20 grams of XAD-2 sorbent resin for collecting semi-volatile hydrocarbons. Water vapor shall then be removed from the sampled gas by a silica-gel trap. Flue-gas oxygen concentrations, which shall be used to determine the ratio of flue-gas volume to the amount of fuel burned, are measured within the ESS system by an electrochemical cell meeting the performance specifications presented in Section 31.202.3.8 (1.).

The ESS shall use a critical orifice to maintain a nominal flue-gas sampling rate of 0.035 cfm (0.0167 liters per second). The actual flow rate through each critical orifice shall be determined to within 0.000354 cubic feet (0.01 liters) per

second before and after each test-burn with a bubble flow meter to document exact sampling rates. The post-test-burn critical-orifice flow-rate determinations shall be performed before the ESS is dismantled for sample recovery and clean-up. Pre-test-burn and post-test-burn critical-orifice flow-rate measurements shall be within 0.0000117 cubic feet (0.00033 liters) per second of each other or the test-burn emissions results shall be invalid. Temperatures shall be monitored using type K ground-isolated, stainless-steel-sheathed thermocouples.

The ESS unit shall return particle-free and dry exhaust gas to the flue via a 1/4 inch (6 mm) Teflon® line and a 15 inch (380 mm) stainless steel probe inserted into the flue. A subsample aliquot of the flue-gas sample-gas stream exiting the ESS unit, shall be pumped into a 1 cubic foot (29 liter) Tedlar® bag for measuring the average carbon dioxide, carbon monoxide, and confirmation of average oxygen concentrations for the test period. Flow to the subsample gas bag shall be controlled by a solenoid valve connected to the main pump circuit and a fine-adjust needle-controlled flow valve. The solenoid valve shall be open only when the pump is activated, allowing the subsample gas to be pumped into the gas bag at all times when the ESS pump is on. The rate of flow into the bag shall be controlled by the fine-adjust metering needle-valve which is adjusted at setup so that 4.7 to 5.2 gal (18 to 20 liters) of gas is collected over the entire 3 test-fuel charge test-burn without over-pressurizing the gas sample bag.

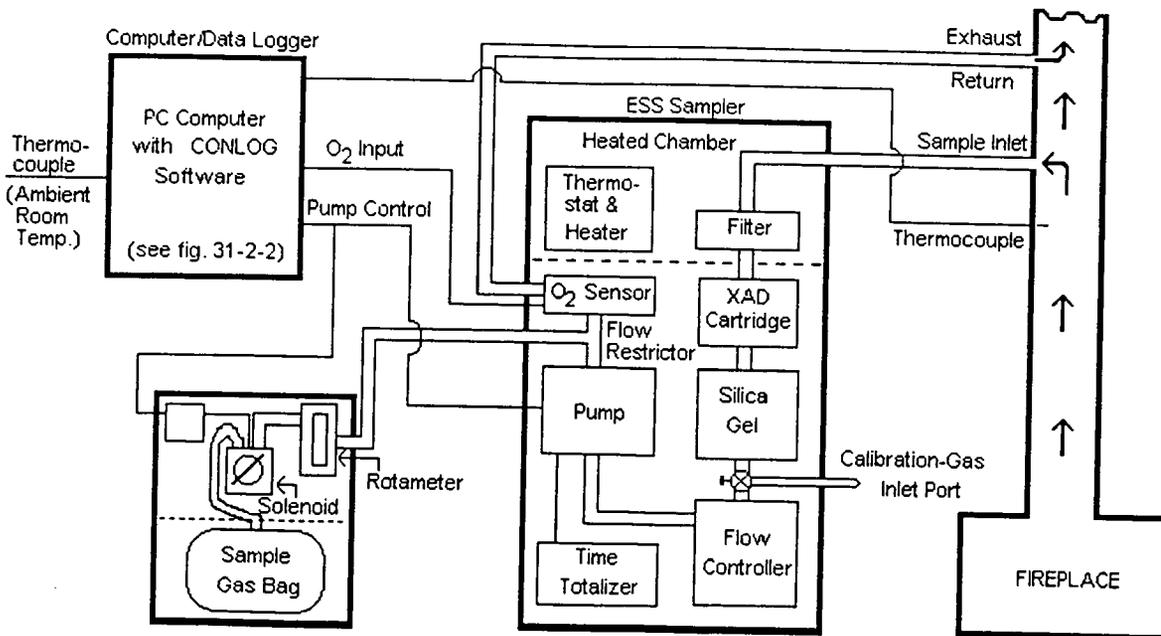


Figure 31-2-1. Schematic of ESS/Data Logger system.

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31.203.12.2 The Data Acquisition and Control System. The data acquisition and control system for the ESS is shown in Figure 31-2-2. This system consists of a personal computer (PC) containing an analog-to-digital data processing board

(12-bit precision), a terminal (connection) box, and specialized data acquisition and system control software (called CONLOG).

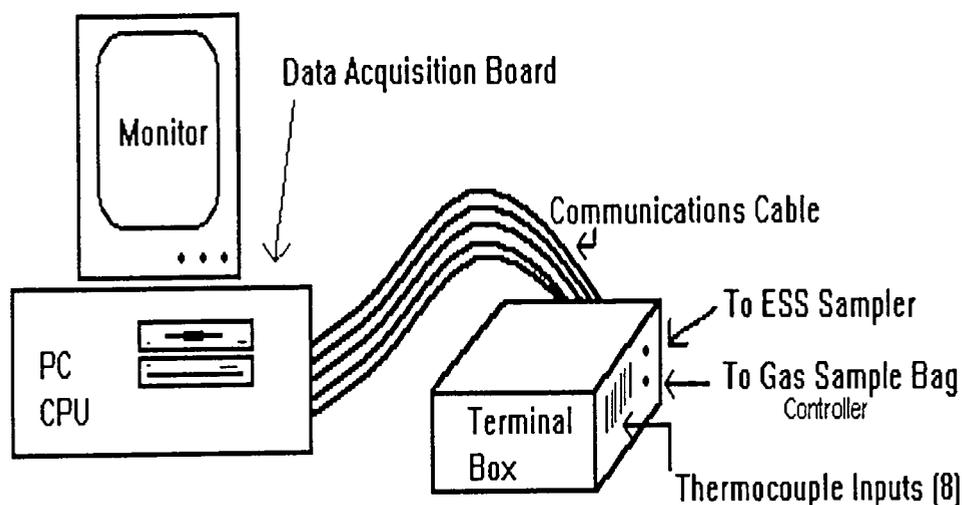


Figure 31-2-2. ESS data logger system.

For fireplace testing, the CONLOG software is configured to control, collect, and store the following data:

1. Test-period starting and ending times and dates, and total length of sampling period,
2. Pump-cycle on/off, cycle length and thermocouple (TC) cycle recording interval (frequency),
3. Temperature records, including flue-gas and ambient temperatures, averaged over pre-selected intervals,
4. Date, times, and weights of each added fuel load, and
5. Flue-gas oxygen measurements taken during each sample cycle.

During testing, instantaneous readings of real-time data shall be displayed on the system status screen. These data shall include the date, time, temperatures for each of the TCs, and flue-gas oxygen concentrations. The most recent 15 sets of recorded data shall also be displayed.

Flue-gas sampling and the recording of flue-gas oxygen concentrations shall only occur when flue-gas temperatures are above 25°F (14°C) greater than the ambient temperature of the test facility. Temperatures and fueling shall always be recorded at five-minute intervals regardless of flue-gas temperature. The ESS sampling-pump operating cycle shall be adjustable as described in Section 31.203.12.3.

31.203.12.3 ESS Sampling-Pump Operating Cycle. The ESS sampling-pump operating cycle shall be adjusted to accommodate variable test-fuel charge sizes, emission fac-

tors, and the length of time needed to complete a test-burn series. The sampler-pump operation shall be adjustable from 1 second to 5 minutes (100 percent) "on" for every 5-minute test-burn data-recording interval. This will allow adjustment for the amount of anticipated emissions materials that will be sampled and deposited on the ESS filter, XAD-2, and the other system components. It is recommended that the minimum sample quantities stipulated in Section 31.203.12.4 be used to calculate the appropriate pump cycle "on" and "off" periods. It should be noted that if the sampler collects too much particulate material on the filter and in the XAD-2 cartridge, the unit may fail the sample flow calibration check required at the end of each test-burn.

31.203.12.4 Minimum Sample Quantities. For each complete 3 test-fuel charge test-burn, the ESS must catch a minimum total particulate material mass of at least 0.231 grains (15 mg). Alternatively, the ESS must sample a minimum of 10 cubic feet (283 liters) during each 3 test-fuel charge test-burn. If this volume cannot be sampled in the test-burn time period, two ESS samplers must be utilized to sample fireplace emissions simultaneously during each test-burn. If emissions results from the two ESSs are different by more than 10 percent of the lower emissions-factor result, the test-burn results are invalid. An arithmetic average is calculated for test-burn results when two ESSs are utilized.

31.203.12.5 Equipment Preparation and Sample Processing Procedures.

31.203.12.5.1. Prior to emissions testing, the ESS unit shall be prepared with a new, tared glass-fiber filter and a clean

XAD-2 sorbent-resin cartridge. Within 3 hours after testing is completed, the stainless steel sampling probe, Teflon® sampling line, filter holder, and XAD-2 cartridge(s) shall be removed from the test site and transported to the laboratory for processing. Each component of the ESS sampler shall be processed as follows:

1. Filter: The glass fiber filter (4 inches (102 mm) in diameter) shall be removed from the ESS filter housing and placed in a petri dish for desiccation and gravimetric analysis.

2. XAD-2 sorbent-resin cartridge: The sorbent-resin cartridge shall be extracted in a Soxhlet extractor with dichloromethane for 24 hours. The extraction solution shall be transferred to a tared glass beaker and evaporated in an ambient-air dryer. The beaker with dried residue shall then be desiccated to constant weight (less than ± 0.5 mg change within a 2-hour period), and the extractable residue shall be weighed.

3. ESS hardware: All hardware components which are in the flue-gas sample stream (stainless steel probe, Teflon® sampling line, stainless steel filter housing, and all other Teflon® and stainless steel fittings) through the top of the sorbent-resin cartridge, shall be cleaned with a solvent mixture of 50 percent dichloromethane and 50 percent methanol. The cleaning solvent solutions shall be placed in tared glass beakers, evaporated in an ambient-air dryer, desiccated to constant weight (less than ± 0.5 mg change within a 2-hour period), and weighed.

EPA Method 5H procedures (40 CFR Part 60, Appendix A) for desiccation and weighing time intervals shall be followed for steps 1 through 3 above.

31.203.12.5.2 The ESS shall be serviced both at the start and end of a fireplace testing period. During installation, leak checks shall be performed; the thermocouples, fuel-weighing scale, and oxygen-cell shall be calibrated, and the data logger shall be programmed. At the end of the test period, final calibration, and leak-check procedures shall again be performed, and the ESS sampling line, filter housing, XAD-2 cartridge,

$$\text{Particulate emission factor (g/kg)} = \frac{(\text{Particulate Catch}) \times (\text{Stoichiometric Volume}) \times (\text{Flue-gas Dilution Factor})}{(\text{Sampling Time}) \times (\text{Sampling Rate})}$$

WHERE:

1. Particulate Catch: The total mass, in grams, of particulate material caught on the filter, in the XAD-2 resin cartridge (semi-volatile compounds); and in the probe clean-up and rinse solutions.

2. Stoichiometric Volume: Stoichiometric volume is the volume of dry air needed to completely combust one dry kilogram of fuel with no "excess air". This value is determined by using a chemical reaction balance between the specific fuel being used and the chemical components of air. The stoichi-

metric volume for Douglas fir is 86.78 cubic feet per pound (5 404 liters per dry kilogram) at 68°F (20°C) and 29.92 inches (760 mm) of mercury pressure.

31.203.12.6 Data Processing and Quality Assurance.

31.203.12.6.1 Upon returning to the laboratory facilities, the data file (computer disk) shall be reviewed to check for proper equipment operation. The data-logger data files, log books, and records maintained by field staff shall be reviewed to ensure sample integrity.

The computer-logged data file shall be used in conjunction with the ESS particulate samples and sample-gas bag analyses to calculate the emission factor, emission rate, and fireplace operational parameters. An example ESS results report is presented in Table 31-2-A.

31.203.12.6.2 Burning Period. The total burning period is calculated by:

$$\text{Total Burning Period} = (\text{Length of each sample cycle}) \times (\text{Number of flue temperature readings over } 25^{\circ}\text{F (}14^{\circ}\text{C) greater than the ambient temperature of the test facility})$$

WHERE:

1. Length of each sample cycle: The time between each temperature recording as configured in the CONLOG software settings (standardized at 5 minutes).

2. Number of flue temperature readings during fireplace use: The total number of temperature readings when the calibrated temperature value was more than 25°F (14°C) greater than the ambient temperature of the test facility.

31.203.12.6.3 Particulate Emissions.

31.203.12.6.3.1 ESS Particulate Emission Factor. The equation for the total ESS particulate emission factor for each test-burn presented below produces reporting units of grams per dry kilogram of fuel burned (g/kg):

ometric volume for Douglas fir is 86.78 cubic feet per pound (5 404 liters per dry kilogram) at 68°F (20°C) and 29.92 inches (760 mm) of mercury pressure.

3. Flue-gas Dilution Factor: The degree to which the sampled combustion gases have been diluted in the flue by air in excess of the stoichiometric volume (called excess air). The dilution factor is obtained by using the average sampled carbon dioxide and carbon monoxide values obtained from the sample gas bag analyses and the following equation.

$$18.53 + \frac{((1 - (\text{CO}_2 + 1/2 \text{CO})) \times 2.37)}{18.53}$$

$$\text{Flue-Gas Dilution Factor} = \frac{\text{-----}}{(\text{CO}_2 + 1/2 \text{CO})}$$

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Note: Multiplying the g/kg emission factor by the burn rate (dry kg/hr) yields particulate emissions in grams per hour (g/hr). Burn rate is calculated by the following equation:

$$\text{Burn Rate (kg/hr)} = \frac{\text{Total Fuel (kg)}}{\text{Total Burn Period (hours)}}$$

WHERE:

Total Fuel is the total fuel added during the entire test-burn minus the remaining unburned materials at the end of the test-burn.

4. Sampling Time: The number of minutes the sampler pump operated during the total test-burn period.

5. Sampling Rate: Sampling rate is controlled by the critical orifice installed in the sampler. The actual calibrated sampling rate is used here.

31.203.12.6.3.2 EPA Method 5H Particulate Emissions. ESS-measured emissions factors submitted to DOE for approval must first be converted to U.S. EPA Method 5H equivalents. The ESS particulate emissions factor results

obtained in Section 31.203.12.6.1 are converted to be equivalent to the U.S. EPA Method 5H emissions factor results by the following equation:

$$1.254 + (0.302 \times \text{PEF}) + (1.261 \times 10^{-\text{PEF}})$$

WHERE:

PEF is the ESS-measured particulate emission factor for a test-burn.

31.203.12.6.4 CO Emissions. The carbon monoxide (CO) emission factor equation produces grams of CO per dry kilogram of fuel burned. The grams per kilogram equation includes some equation components described above.

$$\text{CO emission factor (g/kg)} = \frac{(\text{Fraction CO}) \times (\text{Stoich. Volume}) \times (\text{Dilution Factor}) \times (\text{Molecular Weight of CO})}{(24.45 \text{ L/mole})}$$

WHERE:

1. Fraction CO: The fraction of CO measured in the gas sampling bag.

Note: Percent CO divided by 100 gives the fraction CO.

2. Molecular Weight of CO: The gram molecular weight of CO, 28 pounds per pound-mole (28.0 g/g-mole).

Multiplying the results of the above equation by the burn rate (dry kg/hr) yields the grams per hour (g/hr) CO emission rate.

Table 31-2-A Example ESS Data Results Format

ESS Emission Results

Test Facility Location:	xxxx
Test Laboratory:	xxxx
Test-Burn Number:	xxxx
Start Time/Date:	xxxx
End Time/Date:	xxxx
Fireplace Model:	xxxx

TIME

Total Test Period	152.3 hours
Total Burn Time	64.6 hours
Flue >25 Degrees F above ambient temperature	42.4 %

ESS SETTINGS

ESS Sample Rate	1.004 l/min
Sample Cycle	5.0 min
Sample Time / Sample Cycle	0.443 min

CARBON MONOXIDE EMISSIONS

Gram / Kilogram	48.0 g/kg
Gram / Hour	64.0 g/hr
Gram / Cubic Meter	1.25 g/m ³

AVERAGE TEMPERATURES

Fuel-Gas Temperatures	275 °F
	135 °C
Flue Exit Temperature	308 °F
	154 °C
Test Facility Ambient Temperature	66 °F
	19 °C

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TEST FUEL

Total Fuel Used (wet weight)	101.3 kg
Ave. Fuel Moisture (dry basis)	17.7 %
Total Fuel Used (dry weight)	86.1 kg
Average Test-Fuel Charge	14.5 kg
Average Burn Rate	1.33 dry kg/hr

PARTICULATE EMISSIONS

(EPA Method 5H Equivalent)

Gram / Kilogram	2.6 g/kg
Gram / Hour	3.4 g/hr
Gram / Cubic Meter	0.06 g/m ³

Notes:

NM = Not Measured, NA = Not Applicable, NU = Not Used

Total time flue temperature greater than 25 °F over ambient temperature.

TEST PERFORMED BY: XYZ Testing International, Olympia Washington, 98504

31.203.13 Calibrations.

31.203.13.1 Balance. Before each certification test, the balance used for weighing test-fuel charges shall be audited by weighing at least one calibration weight (Class F) that corresponds to 20 percent to 80 percent of the expected test-fuel charge weight. If the scale cannot reproduce the value of the calibration weight within 0.1 lb (0.05 kg) or 1 percent of the expected test-fuel charge weight, whichever is greater, recalibrate the scale before use with at least five calibration weights spanning the operational range of the scale.

31.203.13.2 Temperature Monitor. Calibrate the temperature monitor before the first certification test and semiannually thereafter.

31.203.13.3 Fuel Moisture Meter. Calibrate the fuel moisture meter as per the manufacturer's instructions before each certification test.

31.203.13.4 Anemometer. Calibrate the anemometer as specified by the manufacturer's instructions before the first certification test and semiannually thereafter.

31.203.13.5 Barometer. Calibrate the barometer against a mercury barometer before the first certification test and semiannually thereafter.

31.203.13.6 Draft Gauge. Calibrate the Draft Gauge as per the manufacturer's instructions; a liquid manometer does not require calibration.

31.203.13.7 ESS. The ESS shall be calibrated as specified in Section 31.203.12.1.

31.203.14 Reporting Criteria. Submit both raw and reduced data for all fireplace tests. Specific reporting requirements are as follows:

AVERAGE FLUE-GAS CONCENTRATIONS

Flue Oxygen (SE)	18.15 %
Flue Oxygen (gas bag or analyzer)	18.05 %
Flue CO (gas bag or analyzer)	0.10 %
Flue CO ₂ (gas bag or analyzer)	2.60 %

BREAKDOWN OF ESS PARTICULATE SAMPLE

Rinse	25.5 mg
XAD	6.3 mg
Filter	15.7 mg
Blank	0.0 mg
TOTAL	47.4 mg

31.203.14.1 Fireplace Identification. Report fireplace identification information including manufacturer, model, and serial number. Include a copy of fireplace installation and operation manuals.

31.203.14.2 Test Facility Information. Report test facility location, temperature, and air velocity information.

31.203.14.3 Test Equipment Calibration and Audit Information. Report calibration and audit results for the test-fuel balance, test-fuel moisture meter, analytical balance, and sampling equipment including volume metering systems and gaseous analyzers.

31.203.14.4 Pretest Information and Conditions. Report all pretest conditions including test-fuel charge weight, fireplace temperatures, and air supply settings.

31.203.14.5 Particulate Emission Data. Report a summary of test results for all test-burns conducted and the arithmetically averaged emission factor for all test-burns used for certification. Submit copies of all data sheets and other records collected during the testing. Submit examples of all calculations.

31.203.14.6 Required Test Report Information and Suggested Format. Test report information requirements to be provided to DOE for approval/certification of fireplaces are presented in this Standard. The requirements are presented here in a recommended report format.

31.203.14.6.1 Introduction.

1. Purpose of test: Certification or audit.
2. Fireplace identification: Manufacturer, model number, catalytic/non-catalytic, and options. Include a copy of fireplace installation and operation manuals.
3. Laboratory: Name, location, and participants.
4. Test information: Date fireplace was received, date of tests, sampling methods used, and number of test-burns.

31.203.14.6.2 Summary and Discussion of Results.

1. Table of results: Test-burn number, burn rate, particulate emission factor (in U.S. EPA Method 5H equivalents), efficiency (if determined), and averages (indicate which test-burns are used).

2. Summary of other data: Test facility conditions, surface temperature averages, catalyst temperature averages, test-fuel charge weights, and test-burn times.

3. Discussion: Specific test-burn problems and solutions.

31.203.14.6.3 Process Description.

1. Fireplace dimensions: Volume, height, width, lengths (or other linear dimensions), weight, and hearth area.

2. Firebox configuration: Air supply locations and operation, air supply introduction location, refractory location and dimensions, catalyst location, baffle and by-pass location and operation (include line drawings and photographs).

3. Process operation during test: Air supply settings and adjustments, fuel bed adjustments, and draft.

4. Test fuel: Test fuel properties (moisture and temperature), test fuel description (include line drawing or photograph), and test fuel charge density.

31.203.14.6.4 Sampling Locations. Describe sampling location relative to fireplace. Include linedrawings and photographs.

31.203.14.6.5 Sampling and Analytical Procedures.

1. Sampling methods: Brief reference to operational and sampling procedures, and optional and alternative procedures used.

2. Analytical methods: Brief description of sample recovery and analysis procedures.

31.203.14.6.6 Quality Control and Assurance Procedures and Results.

1. Calibration procedures and results: Certification, sampling, and analysis procedures.

2. Test method quality control procedures: Leak-checks, volume-meter checks, stratification (velocity) checks, and proportionality results.

31.203.14.6.7 Appendices.

1. **Results and Example Calculations.** Include complete summary tables and accompanying examples of all calculations.

2. **Raw Data.** Include copies of all uncorrected data sheets for sampling measurements, temperature records, and sample recovery data. Include copies of all burn rate and fireplace temperature data.

3. **Sampling and Analytical Procedures.** Include detailed description of procedures followed by laboratory

personnel in conducting the certification test, emphasizing particularly, parts of the procedures differing from the prescribed methods (e.g., DOE approved alternatives).

4. **Calibration Results.** Summary of all calibrations, checks, and audits pertinent to certification test results including dates.

5. **Participants.** Test personnel, manufacturer representatives, and regulatory observers.

6. **Sampling and Operation Records.** Copies of uncorrected records of activities not included on raw data sheets (e.g., fireplace door open times and durations).

7. **Additional Information.** Fireplace manufacturer's written instructions for operation during the certification test and copies of the production-ready (print-ready) temporary and permanent labels required in Section 31.208 shall be included in the test report prepared by the test laboratory.

31.203.14.7 References.

1. Code of Federal Regulations, U.S. EPA Title 40, Part 60, Subpart AAA and Appendix A (40 CFR Part 60).

2. Barnett, S. G. and P. G. Fields, 1991, "In-Home Performance of Exempt Pellet Stoves in Medford, Oregon," prepared for U.S. Department of Energy, Oregon Department of Energy, Tennessee Valley Authority, and Oregon Department of Environmental Quality, July 1991.

3. Barnett, S. G. and R. R. Roholt, 1990, "In-Home Performance of Certified Pellet Stoves in Medford and Klamath Falls, Oregon," prepared for the U.S. Department of Energy, 1990.

4. Barnett, S. G., 1990, "Field Performance of Advanced Technology Woodstoves in Glens Falls, New York, 1988-1989," for New York State Energy Research and Development Authority, U.S. EPA, Coalition of Northeastern Governors, Canadian Combustion Research Laboratory, and the Wood Heating Alliance, December 1989.

Section 31.204—Approval procedure for fireplaces.

On or after the effective date of this regulation, a manufacturer or builder of a fireplace who wishes to have a fireplace model line or fireplace design designated as an approved (or certified) fireplace, shall submit to DOE for its review the following information:

31.204.1 Manufacturer name and street address, model or design identification, construction specifications, and drawings of the firebox and required chimney system.

31.204.2 A test report prepared in accordance with Section 31.203.14.6 showing that testing has been conducted by a DOE approved and U.S. EPA accredited laboratory, and that the arithmetically averaged particulate emission factors for that fireplace model line or design, tested in accordance with UBC Standard Section 31.202, does not exceed 7.3 g/kg (U.S. EPA Method 5H equivalent as determined in Section 31.203.12.6.3.2) for a factory-built fireplace model lines or designs or 12.0 g/kg (U.S. EPA Method 5H equivalent as

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determined in Section 31.203.12.6.3.2) for new certified masonry fireplace model lines or designs. After January 1, 1999, particulate emission factors for factory-built and new certified masonry fireplace model lines or designs shall not exceed 7.3 g/kg (U.S. EPA Method 5H equivalents as determined in Section 31.203.12.6.3.2).

Section 31.205—Approval of non-tested fireplaces.

On or after the effective date of this regulation, DOE may grant approval for a fireplace model line or design that has not been tested pursuant to Section 31.204 upon submission of the following by the applicant:

31.205.1 Manufacturer name and street address, model or design identification, construction specifications, and drawings of the internal assembly system.

31.205.2 Documentation from an EPA accredited laboratory that the model is a fireplace within the definition of this regulation, has substantially the same core construction as a model already tested by a DOE approved and EPA accredited laboratory, and is substantially similar to the approved model in internal assembly design, combustion function, and probable emissions performance as listed in Section 31.204.2.

Section 31.206—Approval through alternative test protocol.

As provided in Section 31.202.4, an alternative testing protocol may be submitted by a DOE approved and EPA accredited laboratory for acceptance by DOE as equivalent to Uniform Building Code Standard 31-2.

Section 31.207—Approval termination.

All fireplace model line or design approvals shall terminate five years from the approval date. Previously approved fireplace model line and/or design may be granted re-approval (re-certification) upon application to and review by DOE. No testing shall be required for fireplace model line or design re-approvals unless DOE determines that design changes have been incorporated into the fireplace that could adversely affect the emissions factor, or testing is otherwise stipulated by DOE.

DOE may revoke a fireplace model line or design approval certification if it is determined that the fireplaces being produced in a specific model line do not comply with the requirements of Section 31.200. Such a determination shall be based on all available evidence, including:

1. Test data from a retesting (audit test) of the original unit on which the certification test was conducted or a sample unit from the current model line;
2. A finding that the certification test was not valid;
3. A finding that the labeling of the fireplace does not comply with the requirements of Section 31.200;
4. Failure by the fireplace manufacturer (builder) to comply with reporting and record keeping requirements under Section 31.200;

5. Physical examination showing that a significant percentage of production units inspected are not similar in all material respects to the fireplace submitted for testing; or

6. Failure of the manufacturer to conduct a quality assurance program in conformity with Section 31.208.

Revocation of certification under this section shall not take effect until the manufacturer (builder) concerned has been given written notice by DOE setting forth the basis for the proposed determination and an opportunity to request a hearing.

Section 31.208—Quality control.

Once within 30 days of each annual anniversary after the initial approval/certification, a DOE approved and U.S. EPA accredited laboratory shall inspect the most recently produced fireplace of an approved model line or design at its manufacturing location (site, if site-built) to document adherence to the approved/certified fireplace design specifications. If no fireplaces of an approved model line or design were produced (built) during the previous 12 months, no inspection is required.

An inspection report for each approved fireplace model line or design must be submitted to DOE within 30 days after the inspection date. The inspection report shall include, as a minimum, the model identification and serial number of the fireplace inspected, the location where the model was inspected, the names of the manufacturer's and/or builder's representatives present, the date of inspection, and a description of any changes made to the approved fireplace model line or design since the last inspection. The U.S. EPA accredited laboratory which conducts the annual quality control inspection is responsible for auditing the content and format of all labels to be applied to approved fireplaces as stipulated in Section 31.209.

A fireplace model line or design shall be re-tested in accordance with Section 31.202 if it is determined during inspection that design changes have been incorporated into the approved/certified fireplace design which adversely affect the fireplace particulate emissions factor. Design elements which can affect fireplace particulate emissions include:

1. Grate placement and height;
2. Air supply minimum and maximum controls;
3. Usable hearth area; and
4. Firebox height, width, and length dimensions.

Section 31.209—Permanent label, temporary label and owner's manual.

31.209.1 Labels and the Owner's Manual. Labels and owner's manual shall be prepared and installed in all certified "For Sale" fireplaces as specified in U.S. EPA 40 CFR Part 60, Section 60.536. Information that shall be presented on all labels includes:

1. Manufacturer's or builder's name, address, and phone number;
2. Model number and/or name;
3. Month and year of manufacture;
4. Starting and ending dates for the 5-year approval period;
5. If a fireplace was tested and approved with an emissions control device which is not an integral part of the fireplace structure, the label shall state that "The fireplace can not be sold or installed without the specified emissions control device in place and operational.";

6. On certified fireplaces the statement: "This appliance has been tested and has demonstrated compliance with Washington State amendment to the UBC Standard, Chapter 31-2 requirements."

Section 31.210—List of approved fireplaces.

DOE shall maintain a list of approved fireplace model lines and designs, and that list shall be available to the public.

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.

WSR 00-16-129
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed August 2, 2000, 10:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-017.

Title of Rule: Adoption of chapters 51-56 and 51-57 WAC (adoption and amendment of the 2000 Edition of the Uniform Plumbing Code and Plumbing Code Standards). Repeal of chapters 51-46 and 51-47 WAC (adoption and amendment of the 1997 Edition of the Uniform Plumbing Code and Plumbing Code Standards).

Purpose: To consider whether to adopt, or amend and adopt, the 2000 Edition of the Uniform Plumbing Code and Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, and repeal the 1997 edition of these codes.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rules include adoption of the 2000 Edition of the Uniform Plumbing Code and Standards, with amendments (including Appendix I, Installation Standards), and repeal of the 1997 Edition. Amendments providing greater safety and flexibility than the published version including medical gas systems, venting of fixtures, storm drainage, cross connection control, plumbing materials, and existing state amendments carried forward to the 2000 Edition.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, P.O. Box 48300, Olympia, WA 98504-8300, (360) 586-8999; and **Enforcement:** Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will adopt by reference and amend the 2000 Edition of the Uniform Plumbing Code and Uniform Plumbing Code Standards (UPC), published by the International Association of Plumbing and Mechanical Officials. The purpose is to replace the 1997 UPC (chapters 51-46 and 51-47 WAC), which will then be repealed, and assign the 1997 UPC new Washington Administrative Code (WAC) numbers (chapters 51-56 and 51-57 WAC). The 2000 UPC will be amended to provide greater safety and flexibility than the published version for its application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, regulatory improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. Need. This rule is necessary to comply with the requirements of RCW 19.27.074. The council must regularly review updated versions of the Uniform Plumbing Code, and amend and adopt as deemed appropriate by the council. An updated, 2000 version of the Uniform Plumbing Code has been published. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by physically disabled persons. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. Effectiveness and Efficiency. The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for state-wide adoption of building codes.

3. Clarity. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted.

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4. Intent and Statutory Authority. The proposed rule is consistent with the legislative intent of the statute chapter 19.27 RCW. The statute gives the council sufficient authority to maintain the state building code, and to amend and adopt new editions of the Uniform Plumbing Code. The Uniform Plumbing Code is published every three years.

5. Coordination. The council rule-making process includes participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the Departments of Social and Health Services, Health, Labor and Industries, and the State Fire Marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. Cost. The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. Fairness. The state amendments to the Uniform Plumbing Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: The proposal will replace the 1997 UPC with the updated 2000 UPC which contains national changes made to the code. Proposed amendments provide for specific application of the code in Washington state. The amendments added to the 2000 UPC are as follows:

Chapter 51-56 WAC:

1. Sections 001, 002, 007, 008: These sections maintain existing state-wide amendments, correcting section references and dates.

2. Section 003: This change updates the adopting language, allows conformance with chapter 19.27 RCW and maintains the intent of that law. This section mandates that Chapters 11 and 12 are not adopted. It also mandates that the portions of the code addressing venting and combustion air of fuel fired appliances and those portions addressing building sewers not be adopted.

3. Section 101.4.1.4: Maintain existing state amendment, correcting section references. This section is not adopted. This requirement is in direct conflict with chapter 19.27 RCW, which sets specific code precedent.

4. Section 102.4: Add a subsection outlining an appeal process. The Plumbing Code does not currently contain an appeals process. This amendment brings the code into conformance with the other model codes.

5. Section 103.1.3: Maintain existing state amendment.

6. Section 205: Revise the definition of Certified Backflow Assembly Tester for consistency with Department of Health regulations.

7. Section 208: Revise the definition of Flammable Vapor or Fumes for consistency with the Fire Code.

8. Section 218: Maintain existing state amendment.

9. Section 301.1.1: Maintain existing state amendment.

10. Section 301.1.3: Maintain existing state amendment.

11. Section 311.4: Maintain existing state amendment, correcting section references. This section is also amended to include a reference allowing the use of horizontal wet venting per Appendix L.

12. Section 313.6: Maintain existing state amendment, correcting section references.

13. Section 313.7: Maintain existing language.

14. Section 316.1.6: Maintain existing state amendment.

15. Section 402: Maintain existing state amendment, with updated references.

16. Section 412.2: Maintain existing state amendment.

17. Section 413.0: Maintain existing state amendment.

18. Section 501.0: This section is modified to maintain existing state amendment language.

19. Section 502: This section is amended to delete definitions for which the Mechanical Code takes precedence.

20. Section 505.0: Maintain existing state amendments. The Washington State Department of Labor and Industries has jurisdiction over hot water boilers.

21. Section 506.2: Remove reference to hot water boilers. The Washington State Department of Labor and Industries has jurisdiction over hot water boilers.

22. Section 507: Maintain current state amendment. The Mechanical Code takes precedence over combustion air issues.

23. Section 509.0: Maintain existing state amendment.

24. Sections 512 through 525: Maintain existing state amendment. These sections cover the venting requirements for water heaters. The Mechanical Code takes precedence over these sections and therefore they are being deleted.

25. Sections 603.0: This amendment maintains the existing language and adds a reference to Washington State Department of Health requirements for backflow devices and assemblies.

26. Section 603.3.3: This amendment is proposed to clarify existing requirements for annual testing of backflow assemblies. This change could be perceived to add enforcement cost if the requirements of this section have not been previously carried out.

27. Section 603.4.6.1: Carries forward the existing state amendment and allows for a spill proof pressure vacuum breaker if approved by the local authority.

28. Section 603.4.13: Retain the existing language in the 1997 UPC.

29. Section 603.4.18.1: This amendment specifies the type of residential sprinkler system exempted under this section.

30. Section 604.1: This section has been amended to clarify the allowable use of PEX.

31. Section 604.13: Maintain the current state amendment.

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32. **Section 608.5:** Maintain the current state amendment.

33. **Section 610.4:** This change maintains an existing state-wide amendment and corrects section references.

34. **Section 701.1.2:** This change corrects section references due to another proposal to move Chapter 15 to Appendix M.

35. **Section 704.3:** Maintain the current state amendment. This change eliminates conflict with Washington State Department of Health requirements.

36. **Section 710.3:** Maintain the current state amendment.

37. **Part II - Building Sewers, Sections 713 - 723 and associated Tables:** Maintain current state amendment. The Washington State Department of Health has jurisdiction over building sewer requirements.

38. **Section 810.4:** Maintain current state amendment. The term "beehive" was felt to be proprietary.

39. **Section 903.1.2:** This change corrects section references due to another proposal to move Chapter 15 to Appendix M.

40. **Section 1302:** This change maintains an existing state amendment.

41. **Sections 1309 through 1315:** These changes maintain existing state amendments and provide updated section references.

42. **Chapter 14:** Delete the term "Mandatory" from the reference standards.

43. **Chapter 15:** This proposal would move the existing Chapter 15, Firestop Protection for DWV and Stormwater Applications, to Appendix M, and substitute the current Appendix M, Storm Drainage (UPC Chapter 11), for Chapter 15.

44. **Appendix M:** See 43, above.

Chapter 51-47 WAC: Sections 51-47-001, 51-47-002, 51-47-003, 51-47-007 and 51-47-008: These sections maintain existing state-wide amendments correcting section references and dates.

IS 7-90 Section 604.1 and IS 8-95 Section 604.1. This proposal would allow PVC to terminate inside a building.

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

Small Business Economic Impact Statement

The State Building Code Council is proposing to adopt amendments to chapter 51-56 WAC, the 2000 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials. The council appoints Technical Advisory Groups (TAGs) to conduct a comprehensive review of proposed code amendments. The participants on the Plumbing Code TAG represent building trades (plumbers), building officials, model code organizations, homebuilders, mechanical contractors, and state agencies. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC bylaws.

Proposed amendments to WAC 51-56-1500 Storm drainage, have been identified by the TAG and the Economic

Committee as having a potential cost impact on businesses required to comply with the rule.

Section 1500 Storm drainage is currently adopted as an appendix chapter, where the local authority having jurisdiction has the option to enforce the requirements. The proposed rule adopts the section for enforcement statewide. The appendix chapter is currently used as a design guide, and design requirements for roof drainage are standard practice. Rainfall rates are given in ranges, with local conditions to be determined by the authority having jurisdiction. Other requirements include place of drainage disposal, left open to the authority having jurisdiction; acceptable materials for rainwater piping; and subsoil drains, with local option to require an electric sump. Further analysis is necessary to determine added costs of compliance with this section.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-0486, fax (360) 586-5880.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 15, 2000, at 10:00 a.m.; and at the Radisson Hotel, 17101 International Boulevard, SeaTac, WA, on October 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 1, 2000, TDD 753-2200, or (360) 753-1184.

Submit Written Comments to: Judy Wilson, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by October 13, 2000.

Date of Intended Adoption: November 17, 2000.

August 2, 2000

Judy Wilson
Chairman

Chapter 51-56 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE 2000 EDITION OF THE UNIFORM PLUMBING CODE

NEW SECTION

WAC 51-56-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-56-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes, the council shall regularly review updated versions of the codes adopted under the act, and other pertinent infor-

PROPOSED

mation, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-56-003 Uniform plumbing code. The 2000 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that Chapters 11 and 12 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted.

NEW SECTION

WAC 51-56-007 Exceptions. The exceptions and amendments to the uniform codes contained in the provisions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-56-008 Implementation. The Uniform Plumbing Code adopted by chapter 51-56 WAC shall become effective in all counties and cities of this state on July 1, 2001, unless local government residential amendments have been approved by the state building code council.

NEW SECTION

WAC 51-56-0100 Chapter 1—Administration.

101.4.1.4 Conflict Between Codes. Delete paragraph.

102.4 Appeals. All persons shall have the right to appeal a decision of the administrative authority. The jurisdiction shall have a board of appeals to hear and rule on Plumbing Code appeals. Members of the board shall be appointed by the jurisdiction. Decisions by the board shall be reported to the jurisdiction and administered by the administrative authority.

103.1.3 Certification. State rules and regulations concerning certification shall apply.

NEW SECTION

WAC 51-56-0200 Chapter 2—Definitions.

205.0 Certified Backflow Assembly Tester - A person certified by the Washington state department of health under chapter 246-292 WAC to inspect (for correct installation and approval status) and test (for proper operation) approved backflow assemblies.

208.0 Flammable Vapor or Fumes is the concentration of flammable constituents in air that exceeds 10 percent of its lower flammability limit (LFL).

218.0 Plumbing System – Includes all potable water building supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipe(s), and all building drains including their respective joints and connection, devices, receptors, and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, medical gas and medical vacuum systems, and water heaters: Provided, That no certification shall be required for the installation of a plumbing system within the property lines and outside a building.

NEW SECTION

WAC 51-56-0300 Chapter 3—General regulations.

301.1.1 Approvals. Unless otherwise provided for in this code, all materials, fixtures or devices used or entering into the construction of plumbing systems, or parts thereof, shall be submitted to the administrative authority for approval and shall conform to approved nationally recognized standards, and shall be free from defects. All pipe, fittings, traps, fixtures, material and devices used in a plumbing system shall be listed or labeled by a listing agency or shall be approved by the administrative authority.

301.1.3 Standards. Standards listed or referred to in this chapter and Table 14-1 cover materials that conform to the requirements of this code, when used in accordance with the limitations imposed in this or other chapters thereof and their listing. Where a standard covers materials of various grades, weights, quality, or configurations, there may be only a portion of the listed standard which is applicable. Design and materials for special conditions or materials not provided for herein are allowed to be used only by special permission of the administrative authority after the administrative authority has been satisfied as to their adequacy in accordance with Section 301.2.

311.4 Except as hereinafter provided in Sections 908.0, 909.0, 910.0, and Appendix L, Section L 6.0, no vent pipe shall be used as a soil or waste pipe, nor shall any soil or waste pipe be used as a vent.

313.6 No water, soil, or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. All hot and cold water pipes installed outside the conditioned space shall be insulated to a minimum R-3.

313.7 All pipe penetrating floor/ceiling assemblies and fire-resistance rated walls or partitions shall be protected in accordance with the requirements of the building code.

316.1.6 Solvent Cement Plastic Pipe Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with this code and the manufacturer's installation instructions.

ABS pipe and fittings shall be cleaned and then joined with listed solvent cement(s).

PROPOSED

CPVC and PVC pipe and fittings shall be cleaned and joined with listed primer(s) and solvent cement(s).

NEW SECTION

WAC 51-56-0400 Chapter 4—Plumbing fixtures and fixture fittings.

402.0 Water-Conserving Fixtures and Fittings.

402.1 The purpose of this section shall be to implement water conservation performance standards in accordance with RCW 19.27.170.

402.2 Application. This section shall apply to all new construction and all remodeling involving replacement of plumbing fixtures and fittings in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water. Plumbing fixtures, fittings and appurtenances shall conform to the standards specified in this section and shall be provided with an adequate supply of potable water to flush and keep the fixtures in a clean and sanitary condition without danger of backflow or cross-connection.

402.3 Water Efficiency Standards.

402.3.1 Standards for Vitreous China Plumbing Fixtures.

402.3.1.1 The following standards shall be adopted as plumbing materials, performance standards, and labeling standards for water closets and urinals. Water closets and urinals shall meet either the ANSI/ASME standards or the CSA standard.

ANSI/ASME A112.19.2M-1998	Vitreous China Plumbing Fixtures
ANSI/ASME A112.19.6-1995	Hydraulic Requirements for Water Closets and Urinals
CSA B45	CSA Standards on Plumbing Fixtures

402.3.1.2 The maximum water use allowed in gallons per flush (gpf) or liters per flush (lpf) for any of the following water closets shall be the following:

Tank-type toilets	1.6 gpf/6.0 lpf
Flushometer-valve toilets	1.6 gpf/6.0 lpf
Flushometer-tank toilets	1.6 gpf/6.0 lpf
Electromechanical hydraulic toilets	1.6 gpf/6.0 lpf

- EXCEPTIONS:**
1. Water closets located in day care centers, intended for use by young children may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 2. Water closets with bed pan washers may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.
 3. Blow out bowls, as defined in ANSI/ASME A112.19.2M, Section 5.1.2.3 may have a maximum water use of 3.5 gallons per flush or 13.25 liters per flush.

402.3.1.3 The maximum water use allowed for any urinal shall be 1.0 gallons per flush or 3.78 liters per flush.

402.3.1.4 No urinal or water closet that operates on a continuous flow or continuous flush basis shall be permitted.

402.3.1.5 This section does not apply to fixtures installed before the effective date of this Section, that are removed and relocated to another room or area of the same building after the effective date of this Section.

402.3.2 Standards for Plumbing Fixture Fittings.

402.3.2.1 The following standards are adopted as plumbing material, performance requirements, and labeling standards for plumbing fixture fittings. Faucets, aerators, and shower heads shall meet either the ANSI/ASME standard or the CSA standard.

ANSI/ASME A112.18.1M-1989	Plumbing Fixture Fittings
CSA B125	Plumbing Fittings

402.3.2.2 The maximum water use allowed for any shower head is 2.5 gallons per minute or 9.5 liters per minute.

EXCEPTION: Emergency use showers shall be exempt from the maximum water usage rates.

402.3.2.3 The maximum water use allowed in gallons per minute (gpm) or liters per minute (lpm) for any of the following faucets and replacement aerators is the following:

Lavatory faucets	2.5 gpm/9.5 lpm
Kitchen faucets	2.5 gpm/9.5 lpm
Replacement aerators	2.5 gpm/9.5 lpm
Public lavatory faucets other than metering	0.5 gpm/1.9 lpm

402.4 Metering Valves. Lavatory faucets located in restrooms intended for use by the general public shall be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

- EXCEPTIONS:**
1. Where designed and installed for use by persons with a disability.
 2. Where installed in day care centers, for use primarily by children under 6 years of age.

402.5 Implementation.

402.5.1 The standards for water efficiency and labeling contained within Section 402.3 shall be in effect as of July 1, 1993, as provided in RCW 19.27.170 and amended July 1, 1998.

402.5.2 No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity, may, for purposes of use in the state of Washington, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures or fittings unless the fixtures or fittings meet the standards as provided for in this Section.

PROPOSED

412.2 Location of Floor Drains. Floor drains shall be installed in the following areas:

412.2.1 Toilet rooms containing two (2) or more water closets or a combination of one (1) water closet and one (1) urinal, except in a dwelling unit. The floor shall slope toward the floor drains.

412.2.2 Laundry rooms in commercial buildings and common laundry facilities in multi-family dwelling buildings.

413.0 Minimum Number of Required Fixtures. For minimum number of plumbing fixtures required, see Building Code Chapter 29 and Table 29-A.

Sections 413.1 through 413.7 and Table 4-1 are not adopted.

NEW SECTION

WAC 51-56-0500 Chapter 5—Water heaters.

TABLE 5-1^{1,3}

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
	1	2	3	2	3	4	5	3	4	5	6
Number of Bedrooms											
First Hour Rating ² , Gallons	42	54	54	54	67	67	80	67	80	80	80

- Notes: ¹The first hour rating is found on the "Energy Guide" label.
- ²Nonstorage and solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.
- ³For replacement water heaters, see Section 101.4.1.1.1.

- 502.1 Chimney** – Delete definition.
- 502.2 Chimney Connector** – Delete definition.
- 502.5 Direct Vent Appliance** – Delete definition.
- 502.7 Unusually Tight Construction** – Delete definition.
- 502.8 Vent** – Delete definition.
- 502.9 Vent Collar** – Delete definition
- 502.10 Vent Connector** – Delete definition.
- 502.11 Venting System** – Delete definition.
- 502.12 Venting Systems-Types** – Delete definition.
- 504.1 Inspection of Chimneys or Vents.** Delete paragraph.
- 505.0 Gas-Fired Water Heater Approval Requirements.**
- 505.1** Gas fired water heaters shall conform to approved recognized applicable standards or to other standards acceptable to the administrative authority. Each such water heater shall bear the label of an approved testing agency, certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards.
- 505.2** Except when reconditioned by the manufacturer or the manufacturer's approved agent in accordance with its original approval requirements and reinstalled at its original location,

501.0 General. The regulations of this chapter shall govern the construction, location, and installation of fuel burning and other water heaters heating potable water. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 5-1. See the Mechanical Code for combustion air and installation of all vents and their connectors. All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by this Code. No water heater shall be hereinafter installed which does not comply in all respects with the type and model of each size thereof approved by the administrative authority. A list of accepted gas equipment standards is included in Table 14-1.

Water heaters used for space heating only are prohibited.

each reconditioned water heater shall be tested for safety and conformity to approved standards, and shall bear the label of an approved testing agency certifying and attesting that such equipment has been tested and inspected and meets the requirements of applicable standards. Such label shall also state clearly that the water heater has been reconditioned, and shall give the name and address of the reconditioner. Every person applying for a permit to install a used or reconditioned water heater shall clearly state on the application for permit that such equipment is used or reconditioned.

505.3 Gas storage-type water heaters shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

506.2 All storage-type water heaters deriving heat from fuels or types of energy other than gas, shall be provided with, in addition to the primary temperature controls, an over-temperature safety protection device constructed, listed, and installed in accordance with nationally recognized applicable standards for such devices and a combination temperature and pressure relief valve.

507.0 Combustion Air. For issues relating to combustion air, see the Mechanical Code.

Sections 507.1 through 506.5 are not adopted.

509.0 Prohibited Locations. Water heaters which depend on the combustion of fuel for heat shall not be installed in a room used or designed to be used for sleeping purposes, bath-

PROPOSED

room, clothes closets or in a closet or other confined space opening into a bath or bedroom.

- EXCEPTIONS:
1. Direct vent water heaters.
 2. Water heaters installed in a closet that has a weather-stripped solid door with an approved door closing device, and designed exclusively for the water heater and where all air for combustion and ventilation is supplied from the outdoors.
 3. Water heaters of the automatic storage type installed as a replacement in a bathroom, when specifically approved, properly vented and supplied with adequate combustion air.

Where not prohibited by other regulations, water heaters may be located under a stairway or landing.

512.0 Venting of Water Heaters Delete entire section.

513.0 Limitations. Delete entire section.

514.0 Vent Connectors. Delete entire section.

515.0 Location and Support of Venting System. Delete entire section.

516.0 Length Pitch and Clearance. Delete entire section.

517.0 Vent Termination. Delete entire section.

518.0 Area of Venting System. Delete entire section.

519.0 Multiple Appliance Venting. Delete entire section.

520.0 Existing Venting System. Delete entire section.

521.0 Draft Hoods. Delete entire section.

522.0 Gas Venting into Existing Masonry Chimneys. Delete entire section.

523.0 Chimney Connectors. Delete entire section.

524.0 Mechanical Draft Systems. Delete entire section.

525.0 Venting Through Ventilating Hoods and Exhaust Systems. Delete entire section.

NEW SECTION

WAC 51-56-0600 Chapter 6—Water supply and distribution.

603.0 Cross-Connection Control. Cross-connection control shall be provided in accordance with the provisions of this chapter. Devices or assemblies for protection of the public water system must be models approved by the department of health under WAC 246-290-490. The administrative authority shall coordinate with the local water purveyor where applicable in all matters concerning cross-connection control within the property lines of the premises.

No person shall install any water operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may

be permitted only when equipped with an approved backflow prevention device or assembly.

603.3.3 The administrative authority shall ensure that the premise owner or responsible person shall have the backflow prevention assembly tested by a Washington state department of health certified backflow assembly tester:

- (1) At the time of installation, repair or relocation; and
- (2) At least on an annual schedule thereafter, unless more frequent testing is required by the administrative authority.

603.4.6.1 Potable water supplies to systems having no pumps or connections for pumping equipment, and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Atmospheric vacuum breaker.
- (2) Pressure vacuum breaker.
- (3) Reduced pressure backflow preventer.
- (4) A double check valve may be allowed when approved by the water purveyor and the administrative authority.
- (5) A spill proof pressure vacuum breaker may be allowed when approved by the water purveyor and the administrative authority.

603.4.13 Potable Water Supply to Carbonators shall be protected by a listed reduced pressure principle backflow preventer as approved by the administrative authority for the specific use.

603.4.18.1 Except as provided under Sections 603.4.18.2 and 603.4.18.3, potable water supplies to fire protection systems that are normally under pressure, including but not limited to standpipes and automatic sprinkler systems, except in one or two family residential flow-through or combination sprinkler systems piped in materials approved for potable water distribution systems, shall be protected from back-pressure and back-siphonage by one of the following testable devices:

1. Double check valve assembly.
2. Double check detector assembly.
3. Reduced pressure backflow preventer.
4. Reduced pressure detector assembly.

Potable water supplies to fire protection systems that are not normally under pressure shall be protected from backflow and shall meet the requirements of the appropriate standard(s) referenced in Table 14-1.

604.1 Water distribution pipe, building supply water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Except as provided in Section 604.11, asbestos-cement, CPVC, PE, PVC, or PEX water pipe materials manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC, PEX water pipe, tubing, and fittings, manufactured to recognized standards may be used for hot and cold water distribution systems within a building. Other products not listed in this section are acceptable for their intended use, provided that such materials or distribution systems are listed and approved in accordance with nationally recognized stan-

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dards. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the administrative authority.

604.13 Plastic water piping may terminate within a building, provided the connection to the potable water distribution system shall be made as near as is practical to the point of entry and shall be accessible. Barbed insert fittings with hose clamps are prohibited within the building.

608.5 Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard drawn copper piping and fittings, CPVC, or listed relief valve drain tube with fittings which will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Such drains may terminate at other approved locations. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

EXCEPTION: Replacement water heating equipment shall only be required to provide a drain pointing downward from the relief valve to extend between two feet (610 mm) and six inches (152 mm) from the floor. No additional floor drain need be provided.

610.4 Systems within the range of Table 6-5 may be sized from that table or by the method set forth in Section 610.5.

Listed parallel water distribution systems shall be installed in accordance with their listing.

NEW SECTION

WAC 51-56-0700 Chapter 7—Sanitary drainage.

701.1.2 ABS and PVC DWV piping installations shall be installed in accordance with IS 5, IS 9, and Appendix M "First-stop Protection for DWV and Stormwater Application." Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (See the Building Code standards based on ASTM E-84 and ANSI/UL 723).

704.3 Delete entire section.

710.3 The minimum size of any pump or any discharge pipe from a sump having a water closet connected thereto shall be not less than two (2) inches (52 mm).

Sections 710.3.1 through 710.3.3 are not adopted.

CHAPTER 7, PART II—BUILDING SEWERS

Part II Building Sewers. Delete all of Part II (Sections 713 through 723, and Tables 7-7 and 7-8).

NEW SECTION

WAC 51-56-0800 Chapter 8—Indirect wastes.

810.4 Strainers. Every indirect waste interceptor receiving discharge containing particles that would clog the receptor drain shall have a readily removable dome strainer.

NEW SECTION

WAC 51-56-0900 Chapter 9—Vents.

903.1.2 ABS and PVC DWV piping installations shall be installed in accordance with IS 5, IS 9, and Appendix M "First-stop Protection for DWV and Stormwater Application." Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface-Burning Characteristics of the Building Materials (see the Building Code standards based on ASTM E-84 and ANSI/UL 723).

NEW SECTION

WAC 51-56-1300 Chapter 13—Health care facilities and medical gas and vacuum systems.

1302 Medical Gas and Vacuum Piping Systems.

The installation of medical gas and vacuum piping systems shall be in accordance with the requirements of this chapter and/or the appropriate standards adopted by the administrative authority, for additional standards see Table 14-1. The administrative authority shall require evidence of the competency of the installers.

Part II Medical Gas and Vacuum Systems

1309.0 Scope.

1309.1 The provisions herein shall apply to the design, installation, testing, and verification of medical gas, medical vacuum systems, and related permanent equipment for safe use in patient care hospitals, clinics, and other health care facilities.

1309.2 The purpose of this chapter is to provide minimum requirements for the design, installation and verification of medical gas, medical vacuum systems, and related permanent equipment

1310.0 Definitions.

1310.1 Building Supply – The pipe from the source of supply to a building or structure.

1310.2 Critical Care Area – An area in a medical facility where special care is provided, including intensive care units, coronary care units, recovery rooms, and respiratory care units.

1310.3 Installer Performance Testing – Testing conducted by the installer or representative prior to system verification using oil-free, dry nitrogen as stated in Chapter 14.

1310.4 Manifold – A device for connecting outlets of one or more gas cylinders to the central piping system for that specific gas.

1310.5 Medical Air – Compressed air used in a medical facility.

1310.6 Medical Gas – Gases used in a medical facility, including oxygen, nitrous oxide, nitrogen, carbon dioxide, helium, medical air, and mixtures of these gases. Standards of purity apply.

1310.7 Medical Gas System – A system consisting of a central supply system (manifold, bulk, or compressors), including control equipment and piping extending to station outlets in the facility where medical gases may be required.

1310.8 Medical Vacuum System – A system consisting of central vacuum-producing equipment with vacuum switches and operating controls, shutoff valves, alarm warning systems, gauges, and a network of piping extending to and terminating with station inlets at locations where patient suction may be required. Includes surgical vacuum systems, waste anesthesia gas disposal (as scavenging systems), and bedside suction systems.

1310.9 Purge, Flow – The removal of oxygen from a system by oil-free dry nitrogen during brazing.

1310.10 Purge, System – The removal of nitrogen from a system with the medical gas required for that system.

1310.11 SCFM – Standard cubic feet per minute, the unit measure for a volume of gas at standard conditions (68 degrees F (20 degrees C) and 1 atmosphere of pressure).

1310.12 Special Hazard Area – An area, such as a kitchen or electrical switch gear room.

1310.13 Station Inlet – An inlet in a vacuum piping system at which the user makes connections and disconnections.

1310.14 Station Outlet – An outlet point in a medical gas piping system at which the user makes connections and disconnections.

1310.15 System Verification – Testing conducted by a qualified party other than the installer or material vendor after the installer performance testing and prior to the medical gas system being put into service.

1310.16 Use Point – A room or area within a room, where medical gases are dispensed to a patient for medical purposes.

1310.17 User Outlet – See station outlet.

1310.18 Valve, Isolation – A valve which isolates one piece of equipment from another.

1310.19 Valve, Riser – A valve at the base of a vertical riser, which isolates that riser.

1310.20 Valve, Service – A valve serving horizontal piping extending from a riser to a station outlet or inlet.

1310.21 Valve, Source – A single valve at the source which controls a number of units that make up the total source.

1310.22 Valve, Zone – A valve which controls the gas or vacuum to a particular area.

1311.3 The administrative authority shall require evidence of the competency of the installers.

1311.4 Delete paragraph.

1313.0 System Installation and Installer Performance Testing.

1313.1 Medical gas and medical vacuum systems shall be designed and installed in accordance with the requirements of this chapter and the installation requirements of this code, specifically Chapter 14 of this code.

1313.2 A report of completion of the installer performance testing which includes the specific items in Chapter 14 shall be furnished to the administrative authority prior to system verification.

1314.0 System Verification.

1314.1 Prior to any medical gas system being placed in service, each and every system shall be verified as described in Chapter 14. This verification shall be accomplished by an independent third party verification agency which is approved by the administrative authority.

1314.2 A report which includes at least the specific items in Chapter 14 shall be furnished to the administrative authority prior to final acceptance of the system.

Sections 1315 through 1331 are not adopted.

PROPOSED

NEW SECTION

WAC 51-56-1400 Chapter 14—Referenced standards.

**TABLE 14-1
Standards for Materials, Equipment, Joints and Connections**

Where more than one standard has been listed for the same material or method, the relevant portions of all such standards shall apply.

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
AHAM DW-1-92	Household Electric Dishwashers	Appliances	
AHAM DW-2PR-86	Plumbing Requirements for Household Dishwashers	Appliances	
AHAM FWD-1-83	Food Waste Disposers	Appliances	
AHAM HLW-2 PR-86	Plumbing Requirements for Home Laundry Equipment Appliances		
ANSI A13.1-81(R93)	Scheme for the Identification of Piping Systems Piping		
ANSI A21.10-93	Ductile-Iron and Gray-Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as AWWA C110)	Piping, Ferrous	
ANSI A21.11-90	Rubber-Gasket Joints for Ductile-Iron Pressure Pipe and Fittings (same as AWWA C111)	Piping, Ferrous	
ANSI A21.51-91	Ductile-Iron Pipe, Centrifugally Cast, for Water (same as AWWA C151)	Piping, Ferrous	
ANSI A21.53-88	Ductile-Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as AWWA C153)	Piping, Ferrous	
ANSI A40.3-93	Stainless steel	Piping, Ferrous	
ANSI A106.6-70	Vitrified Clay Pipe (now CSA A60.1M1976(C1992))	Piping, Nonmetallic	
ANSI A106.6-77	Silver brazing joints for wrought and cast bronze solder joint fittings	Joints	
ANSI A112.14.1-75 (R90)	Backwater Valves	Valves	
ANSI A112.19.5-79	Trim for Water-Closet Bowls, Tanks and Urinals	Fixtures	
ANSI A112.21.2M-83	Roof Drains	DWV Components	
ANSI A118.10-93	Load Bearing, Bonded, Waterproof Membranes for Thin-Set Ceramic Tile and Dimension Stone Installations	Fixtures	
ANSI B2.1-90	Pipe Threads (Except Dryseal) (replaced by ASME B1.20.1-98)	Joints	
ANSI B125.1-84	Steel pipe (galvanized)	Piping, Ferrous	
ANSI B125.2-72	Steel pipe (galvanized)	Piping, Ferrous	
ANSI Z21.10.1a-94	Gas Water Heaters - Volume I—Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ANSI Z21.10.1b-92	Gas Water Heaters - Volume I - Storage Water Heaters with Input Ratings of 75,000 BTU per Hour or Less (22 kW)	Appliances	
ANSI Z21.10.3-90	Gas Water Heaters - Volume III - Storage, with Input Ratings Above 75,000 Btu per Hour, Circulating and Instantaneous Water Heaters	Appliances	
ANSI Z21.10.3a-94	"	Appliances	
ANSI Z21.10.3b-92	"	Appliances	
ANSI Z21.12-90	Draft Hoods	Appliances	
ANSI Z21.13-91	Gas-Fired Low-Pressure Steam and Hot Water Boilers and Addenda	Appliances	
ANSI Z21.15-92	Manually Operated Gas Valves for Appliances, Appliance Connector Valves and Hose End Valves	Valves	
ANSI Z21.22a-90	Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems	Valves	
ANSI Z21.24-93	Metal Connectors for Gas Appliances	Appliances	
ANSI Z21.41-89	Quick-Disconnect Devices for Use with Gas Fuel	Joints	
ANSI Z21.56-98	Gas Fired Pool Heaters	Swimming Pools and Spas	
ANSI Z21.69-1997•CSA 6.16-M97	Connectors for Moveable Gas Appliances	Appliances	
ANSI Z21.70-81	Earthquake Actuated Automatic Gas Shutoff Systems (withdrawn from ANSI June, 1992)	Valves	
ANSI Z21.80-1997•CSA 6.22-M97	Line Pressure Regulators	Fuel Gas	
ANSI Z21.81-1997•CSA 6.25-M97	Cylinder Connection Devices	Fuel Gas	
ANSI Z21.86•CSA 2.32-M98	Vented Gas-Fired Space Heating Appliances	Appliances	
ANSI Z34.1-93	Certification - Third Party Certification Programs for Products, Processes, and Services	Certification	
ANSI Z124.1-95	Plastic Bathtub Units	Fixtures	
ANSI Z124.2-95	Plastic Shower Receptors and Shower Stalls	Fixtures	
ANSI Z124.3-95	Plastic Lavatories	Fixtures	
ANSI Z124.4-96	Plastic Water Closet Bowls and Tanks	Fixtures	
ANSI Z124.5-97	Plastic Toilet (Water Closet) Seats	Fixtures	
ANSI Z124.6-97	Plastic Sinks	Fixtures	
ANSI Z124.7-97	Prefabricated Plastic Spa Shells	Fixtures	
ANSI Z124.8-90	Plastic Bathtub Liners	Fixtures	
ANSI Z124.9-94	Plastic Urinal Fixtures (Note 1)	Fixtures	
ANSI Z223.1-99	National Fuel Gas Code	Fuel Gas	
ARI 1010-84	Drinking-Fountains and Self-Contained, Mechanically-Refrigerated Drinking Water Coolers	Appliances	
ASHRAE 90.1-89	Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings	Miscellaneous	
ASME A112.1.2-96	Air Gaps in Plumbing Systems	Piping	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASME A112.3.1-93	Stainless Steel Drainage Systems for Sanitary Storm and Chemical Application, Above and Below Ground (Note 1)	Piping, Ferrous	X
ASME A112.4.1-93	Water Heater Relief Valve Drain Tubes	Appliances	
ASME A112.6.1M-97	Floor-Affixed Supports for Off-the-Floor Plumbing Fixtures for Public Use	Fixtures	
ASME A112.18.1M-96	Plumbing Fixture Fittings	Valves	
ASME A112.18.6-99	Flexible Water Connectors	Piping	
ASME A112.18.3-96	Performance Requirements for Backflow Protection Devices and Systems in Plumbing Fixture Fittings (Note 8)	Valves	
ASME A112.19.1M-94	Enameled Cast Iron Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.2M-98	Vitreous China Plumbing Fixtures	Fixtures	
ASME A112.19.3M-87	Stainless Steel Plumbing Fixtures (Designed for Residential Use)	Fixtures	
ASME A112.19.4M-94	Porcelain Enameled Formed Steel Plumbing Fixtures (Supplement 1-1998)	Fixtures	
ASME A112.19.6-95	Hydraulic Performance Requirements for Water Closets and Urinals	Fixtures	
ASME A112.19.7M-95	Whirlpool Bathtub Appliances	Fixtures	
ASME A112.19.8M-87	Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances	Swimming Pools and Spas	
ASME A112.19.9M-91	Nonvitreous Ceramic Plumbing Fixtures	Fixtures	
ASME A112.21.1M-91	Floor Drains (Note 1)	DWV Components	
ASME A112.21.3M-85	Hydrants for Utility and Maintenance Use (Note 1)	Valves	
ASME A112.26.1M-84	Water Hammer Arresters	Piping	
ASME A112.36.2M-91	Cleanouts (Note 1)	DWV Components	
ASME B1.20.1-83 (R1992)	Pipe Threads, General Purpose (Inch)	Joints	
ASME B1.20.3-76 (R82/91/98)	Dryseal Pipe Threads, Inch	Joints	
ASME B16.1-89	Cast Iron Pipe Flanges and Flanged Fittings, Class 25, 125, 250, and 800	Piping, Ferrous	
ASME B16.3-92	Malleable-Iron Threaded Fittings	Piping, Ferrous	
ASME B16.4-92	Gray Iron Threaded Fittings (includes Revision Services)	Piping, Ferrous	
ASME B16.5-88	Pipe Flanges and Flanged Fittings	Joints	
ASME B16.12-91	Iron Threaded Drainage Fittings (Note 1)	Piping, Ferrous	
ASME B16.15-85 (R1994)	Cast Bronze Threaded Fittings, Classes 125 and 250	Piping, Copper Alloy	
ASME B16.18-84	Cast Copper Alloy Solder Joint Pressure Fittings (Note 1)	Piping, Copper Alloy	
ASME B16.21-92	Nonmetallic Flat Gaskets for Pipe Flanges	Joints	
ASME B16.22-95	Wrought Copper and Copper Alloy Solder-Joint Pressure Fittings Alloy	Piping, Copper	

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASME B16.23-92	Cast Copper Alloy Solder Joint Drainage Fittings - DWV Alloy	Piping, Copper	
ASME B16.24-91	Cast Copper Alloy Pipe Flanges and Flanged Fittings Alloy	Piping, Copper	
ASME B16.26-88	Cast copper alloy fittings for flared copper tubes Alloy	Piping, Copper	
ASME B16.29-86	Wrought Copper and Wrought Copper Alloy Solder Joint Drainage Fittings-DWV Alloy (Note 1)	Piping, Copper	
ASME B16.32-92	Cast Copper Alloy Solder Joint Fittings for Solvent Drainage Systems Alloy	Piping, Copper	
ASME B16.33-90	Manually Operated Metallic Gas Valves for Use in Gas Piping Systems up to 125 psig.	Valves	
ASME B16.34-88	Valves – Flanged, Threaded and Welding End	Valves	
ASME B16.38-85	Large Metallic Valves for Gas Distribution (Manually Operated, NPS 2-1/2 to 12, 125 psig Maximum)	Valves	
ASME B16.39-86	Pipe Unions, Malleable Iron Threaded (Includes Revision (R1994) Services)	Piping, Ferrous	
ASME B16.47-90	Large Diameter Steel Flanges	Piping, Ferrous	
ASME B36.10M-85	Welded and Seamless Wrought Steel Pipe	Piping, Ferrous	
ASME Section IX	Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators	Certification	
ASSE 1001-90	Pipe Applied Atmospheric-Type Vacuum Breakers	Backflow Protection	
ASSE 1002-86	Water Closet Flush Tank Ballcocks	Backflow Protection	
ASSE 1003-95	Water Pressure Reducing Valves for Domestic Water Supply Systems	Valves	
ASSE 1004-90	Backflow Prevention Requirements for Commercial Dishwashing Machines	Backflow Protection	
ASSE 1006-89	Residential Use Dishwashers	Appliances	
ASSE 1007-92	Home Laundry Equipment	Appliances	
ASSE 1008-89	Household Food Waste Disposer Units	Appliances	
ASSE 1009-90	Commercial Food Waste Grinder Units	Appliances	
ASSE 1010-98	Performance Requirements for Water Hammer Arrestors	Piping	
ASSE 1011-95	Hose-Connection Vacuum Breakers	Backflow Protection	
ASSE 1013-93	Reduced Pressure Principle Backflow Preventers	Backflow Protection	
ASSE 1014-90	Hand-Held Showers	Fixtures	
ASSE 1015-93	Double Check Backflow Prevention Assembly	Backflow Protection	
ASSE 1016-96	Individual, Thermostatic Pressure Balancing and Thermostatic Control Valves for Individual Fixtures	Valves	
ASSE 1017-86	Thermostatic Mixing Valves, Self Actuated for Primary Domestic Use	Valves	
ASSE 1018-86	Trap Seal Primer Valves (water supply fed)	Valves	

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Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASSE 1019-95	Performance Requirements for Vacuum Breaker Wall Hydrant, Freeze Resistant Automatic Draining Type	Backflow Protection	
ASSE 1020-90	Pressure Vacuum Breaker Assembly	Backflow Protection	
ASSE 1021-77	Dishwasher Air Gaps for Domestic Dishwasher Applications	Backflow Protection	
ASSE 1023-79	Hot Water Dispensers Household Storage Type Electrical	Appliances	
ASSE 1025-78	Diverters for Plumbing Faucets with Hose Spray, Anti-Siphon Type, Residential Applications	Valves	
ASSE 1028-81	Automatic Flow Controllers	Valves	
ASSE 1032-80	Dual Check Valve Type Backflow Preventers for Carbonated Beverage Dispensers - Post Mix Types	Backflow Protection	X
ASSE 1034-81	Fixed Flow Restrictors	Piping	
ASSE 1035-95	Laboratory Faucet Backflow Preventer	Backflow Protection	
ASSE 1037-90	Pressurized Flushing Devices (Flushometers) for Plumbing Fixtures	Backflow Protection	
ASSE 1052-94	Hose Connection Backflow Preventers	Backflow Protection	
ASSE 1055-97	Chemical Dispensing Systems	Backflow Protection	
ASSE 1056-95	Back Siphonage Backflow Vacuum Breakers	Backflow Protection	
ASSE 1062-97	Temperature Actuated, Flow Reduction Valves for Individual Fixture Fittings	Valves	
ASSE 1066-97	Individual Pressure Balancing In-Line Valves for Individual Fixture Fittings (Note 9)	Valves	
ASSE Series 5000-98	Professional Qualification Standard for Backflow Prevention Assembly Testers, Repairers and Surveyors	Backflow Protection	
ASSE 6000-98	Medical Gas Systems Installers, Inspectors and Verifiers	Certification	
ASTM A 47-90 (R95)	Ferritic Malleable Iron Castings	Piping, Ferrous	
ASTM A 53-96 (97)	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded, and Seamless	Piping, Ferrous	
ASTM A 74-98	Cast Iron Soil Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM A 120-84 [D]	Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, (Galvanized) Welded, and Seamless for Ordinary Uses (replaced by A 53)	Piping, Ferrous	
ASTM A 126-95	Gray Iron Castings for Valves, Flanges, and Pipe Fittings	Piping, Ferrous	
ASTM A 197-87 (R-92)	Cupola Malleable Iron [Metric]	Piping, Ferrous	
ASTM A 312-93	Seamless and Welded Austenitic Stainless Steel Pipes	Piping, Ferrous	
ASTM A 377-95	Ductile-Iron Pressure Pipe	Piping, Ferrous	
ASTM A 518-92 ^{e1}	Corrosion-Resistant High-Silicon Iron Castings [Metric]	Piping, Ferrous	
ASTM A 536-84(R-93)	Ductile Iron Castings	Piping, Ferrous	

PROPOSED

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM A 653-96	Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy-Coated (Galvannealed) by the Hot-Dip Process	Piping, Ferrous	
ASTM A 733-93	Welded and Seamless Carbon Steel and Austenitic Stainless Steel Pipe Nipples	Piping, Ferrous	
ASTM A 861-94 ^{e1}	High-Silicon Iron Pipe and Fittings (Note 1)	Piping, Ferrous	
ASTM B 29-92	Pig Lead	Joints	
ASTM B 32-96	Solder Metal (Note 4)	Joints	
ASTM B 42-96	Seamless Copper Pipe, Standards Sizes	Piping, Copper Alloy	
ASTM B 43-96	Seamless Red Brass Pipe, Standards Sizes	Piping, Copper Alloy	
ASTM B 75-95a	Seamless Copper Tube	Piping, Copper Alloy	
ASTM B 88-96	Seamless Copper Water Tube	Piping, Copper Alloy	
ASTM B 135-96	Seamless Brass Tube	Piping, Copper Alloy	
ASTM B 152-97	Copper Sheet, Strip, Plate, and Rolled Bar	Miscellaneous	
ASTM B 251-97	General Requirements for Wrought Seamless Copper Copper-Alloy Tube	Piping, Copper Alloy	
ASTM B 280-95a	Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	Piping, Copper Alloy	
ASTM B 302-97	Threadless Copper Pipe	Piping, Copper Alloy	
ASTM B 306-96	Copper Drainage Tube (DWV)	Piping, Copper Alloy	
ASTM B 370-92 ^{e1}	Copper Sheet and Strip for Building Construction	Miscellaneous	
ASTM B 447-97	Welded Copper Tube	Piping, Copper Alloy	
ASTM B 584-96	Copper Alloy Sand Casting for General Applications (Note 5)	Piping, Copper Alloy	
ASTM B 587-96	Welded Brass Tube	Piping, Copper Alloy	
ASTM B 641-93	Seamless and Welded Copper Distribution Tube (Type D)	Piping, Copper Alloy	
ASTM B 642-88 [D]	Welded Copper Alloy UNS C21000 Water Tube (discontinued 1994)	Piping, Copper Alloy	
ASTM B 687-96	Brass, Copper, and Chromium-Plated Pipe Nipples	Piping, Copper Alloy	
ASTM B 716-93 [D]	Welded Copper Water Tube (discontinued 1994)	Piping, Copper Alloy	
ASTM B 813-93	Liquid and Paste Fluxes for Soldering Applications of Copper and Copper Alloy Tube	Joints	
ASTM B 819-95	Seamless Copper Tube for Medical Gas Systems	Piping, Copper Alloy	
ASTM B 828-92 ^{e1}	Making Capillary Joints by Soldering of Copper and Copper Alloy Tube and Fittings	Joints	

PROPOSED

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
ASTM C 14-95	Concrete Sewer, Storm Drain and Culvert Pipe	Piping, Nonmetallic	
ASTM C 296-93	Asbestos-Cement Pressure Pipe	Piping, Nonmetallic	
ASTM C 412-94	Concrete Drain Tile	Piping, Nonmetallic	
ASTM C 425-96	Compression Joints for Vitrified Clay Pipe and Fittings	Joints	
ASTM C 428-92	Asbestos-Cement Nonpressure Sewer Pipe (Notes 6 & 7)	Piping, Nonmetallic	
ASTM C 443-94	Joints for Circular Concrete Sewer and Culvert Pipe, Using Rubber Gaskets	Joints	
ASTM C 478-96	Precast Reinforced Concrete Manholes Sections	Miscellaneous	
ASTM C 564-95a	Rubber Gaskets for Cast Iron Soil Pipe and Fittings (Note 1)	Joints	
ASTM C 700-96	Vitrified Clay Pipe, Extra Strength, Standard Strength, and Perforated	Piping, Nonmetallic	
ASTM C 1053-90 (R95)	Borosilicate Glass Pipe and Fittings for Drain, Waste and Vent (DWV) Applications (Note 1)	Piping, Nonmetallic	
ASTM C 1173-95	Flexible Transition Couplings for Underground Piping Systems	Joints	
ASTM C 1277-94	Shielded Couplings Joining Hubless Cast Iron Soil Pipe and Fittings	Piping, Ferrous	
ASTM D 396-97	Specification for Fuel Oil	Miscellaneous	
ASTM D 1527-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Sch. 40 and 80	Piping, Plastic	
ASTM D 1785-96a ^{e1}	Poly (Vinyl Chloride) (PVC) Plastic Pipe Sch. 40, 80 and 120	Piping, Plastic	
ASTM D 1869-95	Rubber O-rings for Asbestos-Cement Pipe	Joints	
ASTM D 2104-95	Polyethylene (PE) Plastic Pipe, Sch. 40	Piping, Plastic	
ASTM D 2146-82 [D]	Polypropylene Plastic Molding and Extrusion Materials (replaced by ASTM D 4101)	Piping, Plastic	
ASTM D 2235-96a	Solvent cement for Acrylonitrile-Butadiene-Styrene (ABS) plastic pipe and fittings	Joints	
ASTM D 2239-96a	Polyethylene (PE) Plastic Pipe, (SDR-PR) Based on Controlled Inside Diameter	Piping, Plastic	
ASTM D 2241-96a	Poly(Vinyl Chloride) (PVC) Pressure-Rated pipe (SDR Series)	Piping, Plastic	
ASTM D 2282-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM D 2321-89 (R95)	Underground Installation of Thermoplastic Pipe for Sewers and Other Gravity-Flow Applications	Piping, Plastic	
ASTM D 2447-95	Polyethylene (PE) Plastic Pipe, Sch. 40 and 80 Based on Controlled Outside Diameter	Piping, Plastic	
ASTM D 2464-96a	Threaded Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2465-73[D]	Threaded Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	

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ASTM D 2466-96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 40 (Note 1)	Piping, Plastic	
ASTM D 2467-96a	Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Sch. 80 (Note 1)	Piping, Plastic	
ASTM D 2468-96a	Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings (Sch. 40)	Piping, Plastic	
ASTM D 2469-76[D]	Socket-Type Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe Fittings, Schedule 80 (discontinued 1986)	Piping, Plastic	
ASTM D 2513-96a	Thermoplastic Gas Pressure Pipe Tubing, and Fittings (Note 1)	Piping, Plastic	
ASTM D 2564-96a	Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems	Joints	
ASTM D 2609-96a	Plastic Insert Fittings for Polyethylene (PE) Plastic Pipe (Note 1)	Piping, Plastic	
ASTM D 2657-96	Practice for Heating Fusion Joining of Polyolefin Pipe and Fittings	Joints	
ASTM D 2661-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2665-97a	Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings	Piping, Plastic	
ASTM D 2672-96a	Joints for IPS PVC Pipe Using Solvent Cement	Joints	
ASTM D 2680-95a	Acrylonitrile-Butadiene-Styrene (ABS) and Poly(Vinyl Chloride) (PVC) Composite Sewer Piping	Piping, Plastic	
ASTM D 2729-96	Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2737-96a	Polyethylene (PE) Plastic Tubing	Piping, Plastic	
ASTM D 2740-89 e1 [D]	Poly (Vinyl Chloride) (PVC) Plastic Tubing (discontinued 1991)	Piping, Plastic	
ASTM D 2751-96	Acrylonitrile-Butadiene-Styrene (ABS) Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM D 2846-96a	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Hot- and Cold-Water Distribution Systems	Piping, Plastic	
ASTM D 2855-96	Making Solvent-Cemented Joints with Poly(Vinyl Chloride) (PVC) Pipe and Fittings	Joints	
ASTM D 2996-95	Filament-Wound Fiberglass (Glass-Fiber-Reinforced Thermosetting Resin) pipe	Piping, Plastic	
ASTM D 3033-85 [D]	Type PSP Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings (discontinued 1989)	Piping, Plastic	
ASTM D 3034-96	Type PSM Poly(Vinyl Chloride) (PVC) Sewer Pipe and Fittings	Piping, Plastic	
ASTM D 3036-73[D]	Poly (Vinyl Chloride) (PVC) Plastic Line Couplings (discontinued 1986)	Piping, Plastic	
ASTM D 3065-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Materials for Pipe and Fittings	Piping, Plastic	

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ASTM D 3122-95	Solvent Cements for Styrene-Rubber (SR) Plastic Pipe and Fittings	Joints	
ASTM D 3139-96a	Joints for Plastic Pressure Pipes Using Flexible Elastomeric Seals	Joints	
ASTM D 3140-90	Flaring Polyolefin Pipe and Tubing	Joints	
ASTM D 3212-96a	Joints for Drain and Sewer Plastic Pipes Using Flexible Elastomeric Seals	Joints	
ASTM D 3298-81 [D]	Perforated Styrene-Rubber (SR) Plastic Drain Pipe (discontinued 1989)	Piping, Plastic	
ASTM D 3311-94	Drain, Waste, and Vent (DWV) Plastic Fittings Patterns (Note 1)	Piping, Plastic	
ASTM D 3965-94	Rigid Acrylonitrile-Butadiene-Styrene (ABS) Compounds for Pipe and Fittings	Piping, Plastic	
ASTM D 4068-96 e1	Chlorinated Polyethylene (CPE) Sheeting for Concealed Water-Containment Membrane	Fixtures	
ASTM D 4101-96a	Propylene Plastic Injection and Extrusion Materials	Miscellaneous	
ASTM D 4551-96	Poly(Vinyl Chloride) (PVC) Plastic Flexible Concealed Water-Containment Membrane	Fixtures	
ASTM E 84-97a	Standard Test Method for Surface Burning Characteristics of Building Materials	Miscellaneous	
ASTM E 119-97	Standard Test Method for Fire Tests of Building Construction and Materials	Miscellaneous	
ASTM E 814-94b	Standard Test Method for Fire Tests of Through-Penetration Fire Stops	Miscellaneous	
ASTM F 402-93	Safe Handling of Solvent Cements, Primers, and Cleaners Used for Joining Thermoplastic Pipe and Fittings	Joints	
ASTM F 405-96	Corrugated polyethylene (PE) Tubing and Fittings	Piping, Plastic	
ASTM F 409-96a	Thermoplastic Accessible and Replaceable Plastic Tube and Tubular Fittings (Note 1)	Piping, Plastic	
ASTM F 437-96a	Threaded Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 438-96a	Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 40	Piping, Plastic	
ASTM F 439-96b	Socket-Type Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe Fittings, Sch. 80	Piping, Plastic	
ASTM F 441-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe, Sch. 40 and 80	Piping, Plastic	
ASTM F 442-96b	Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe (SDR-PR)	Piping, Plastic	
ASTM F 443-77 e1 [D]	Bell-End Chlorinated Poly (Vinyl Chloride) (CPVC) Pipe, Schedule 40 (discontinued 1987)	Piping, Plastic	
ASTM F 480-95	Thermoplastic Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR) Schedule 40 and Schedule 80	Piping, Plastic	

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ASTM F 493-97	Solvent Cements for Chlorinated Poly(Vinyl Chloride) (CPVC) Plastic Pipe and Fittings	Joints	
ASTM F 628-96	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 Plastic Drain, Waste and Vent Pipe with a Foam Core (Notes 1 & 3)	Piping, Plastic	
ASTM F 656-96a	Primers for Use in Solvent Cement Joints of Poly(Vinyl Chloride) (PVC) Plastic Pipe and Fittings	Joints	
ASTM F 667-95	Large Diameter Corrugated Polyethylene Tubing and Fittings	Piping, Plastic	
ASTM F 789-95a	Type PS-46 and type PS-115 Poly(Vinyl Chloride) (PVC) Plastic Gravity Flow Sewer Pipe and Fittings (Note 1)	Piping, Plastic	
ASTM F 794-95a	Poly(Vinyl Chloride) (PVC) Profile Gravity Sewer Pipe and Fittings Based on Controlled Inside Diameter	Piping, Plastic	
ASTM F 810-93	Smoothwall Polyethylene (PE) Pipe for Use in Drainage and Waste Disposal Absorption Fields	Piping, Plastic	
ASTM F 845-95	Plastic Insert Fittings For Polybutylene (PB) Tubing	Piping, Plastic	X
ASTM F 876-97	Crosslinked Polyethylene (PEX) Tubing	Piping, Plastic	X
ASTM F 877-96a	Crosslinked Polyethylene (PEX) Plastic Hot- and Cold-Water Distribution Systems	Piping, Plastic	X
ASTM F 891-96	Coextruded Poly(Vinyl Chloride) (PVC) Plastic Pipe with a Cellular Core	Piping, Plastic	
ASTM F 949-96a	Poly(Vinyl Chloride) (PVC) Corrugated Sewer Pipe with a Smooth Interior and Fittings	Piping, Plastic	
ASTM F 1216-93	Rehabilitation of Existing Pipelines and Conduits by the Inversion and Curing of a Resin-Impregnated Tube	Piping, Plastic	
ASTM F 1281-98	Crosslinked Polyethylene/ Aluminum/ Crosslinked Polyethylene (PEX-Al-PEX) Pressure Pipe	Piping, Plastic	X
ASTM F 1282-98	Polyethylene/ Aluminum/ Polyethylene (PE-Al-PE) Composite Pressure Pipe	Piping, Plastic	X
ASTM F 1412-96	Polyolefin Pipe and Fittings for Corrosive Waste Drainage Systems	Piping, Plastic	
ASTM F 1673-95	Polyvinylidene Fluoride (PVDF) Corrosive Waste Drainage Systems	Piping, Plastic	
ASTM F 1743-96	Rehabilitation of Existing Pipelines and Conduits by Pulled-In-Place Installation of Cured-In-Place Thermosetting Resin Pipe (CIPP)	Piping, Plastic	
ASTM F 1807-97	Metal Insert Fittings w/ Copper Crimp Ring for SDR 9 Crosslinked Polyethylene (PEX) tubing	Piping, Plastic	
ASTM F 1866-98	Poly (Vinyl Chloride) PVC Schedule 40 Drainage and DWV Fabricated Fittings	Piping, Plastic	

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ASTM F 1960-99	Cold Expansion Fittings with PEX Reinforcing Rings for Use with Cross-linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1961-99	Metal Cold Flare Compression Fittings with Disk Springs for Cross Linked Polyethylene (PEX) Tubing	Piping, Plastic	
ASTM F 1974-99	Metal Insert Fittings for Polyethylene/Aluminum/Polyethylene and Crosslinked Polyethylene/Aluminum/Crosslinked Polyethylene Composite Pressure Pipe	Piping, Plastic	
AWS A5.8-92	Filler Metals for Brazing and Braze Welding Joints AWS B2.2-91 Brazing Procedure and Performance Qualification	Certification	
AWWA C110	Ductile-Iron and Gray-Iron Fittings, 3 in. Through 48 in. (75 mm Through 1200 mm), for Water and Other Liquids (same as ANSI A21.10-93)	Piping, Ferrous	
AWWA C111	Rubber-Gasket Joints for Ductile-Iron Pressure Pipe and Fittings (same as ANSI A21.11-90)	Piping, Ferrous	
AWWA C151	Ductile-Iron Pipe, Centrifugally Cast, for Water (same as ANSI A21.51-91)	Piping, Ferrous	
AWWA C153	Ductile-Iron Compact Fittings, 3 in. Through 24 in. (76 mm Through 610 mm) and 54 in. Through 64 in. (1,400 mm Through 1,600 mm), for Water Service (same as ANSI A21.53-88)	Piping, Ferrous	
AWWA C203-91	Coal-Tar Protective Coatings and Linings for Steel Water Pipelines - Enameled and Tape - Hot Applied Piping AWWA C213-96 Fusion-Bonded Epoxy Coating for the Interior and Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C215-94	Extruded Polyolefin Coatings for the Exterior of Steel Water Pipelines	Piping, Ferrous	
AWWA C400-93	Asbestos-Cement Distribution Pipe, 4 in. Through 16 in. (100 mm Through 400 mm) for Water Distribution Systems	Piping, Nonmetallic	
AWWA C500-93	Metal-Seated Gate Valves for Water Supply Service	Valves	
AWWA C504-88	Rubber-Seated Butterfly Valves	Valves	
AWWA C507-91	Ball Valves, 6 in. Through 48 in. (152 mm Through 1200 mm)	Valves	
AWWA C510-92	Double Check Valve Backflow-Prevention Assembly	Backflow Protection	
AWWA C511-92	Reduced-Pressure Principle Backflow-Prevention Assemblies	Backflow Protection	
AWWA C606-87	Grooved and Shouldered Joints	Joints	
AWWA C900-89	Polyvinyl Chloride (PVC) Pressure Pipe, 4 in. Through 12 in., for Water Distribution	Piping, Plastic	
AWWA C901-88	Polyethylene (PE) Pressure Pipe and Tubing, 1/2 in. (13 mm) Through 3 in. (76 mm), for Water	Piping, Plastic	

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AWWA C902-88	Polybutylene (PB) Pipe, Tubing, and Fittings, 1/2 in. Through 3 in., for Water	Piping, Plastic	X
CABO A117.1-92	Specifications to Make Buildings and Facilities Accessible and Usable	Miscellaneous	
CISPI 301-97	Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications (Note 1)	Piping, Ferrous	
CISPI HSN-85	Neoprene Rubber Gaskets for Hub and Spigot Cast Iron Soil Pipe and Fittings	Joints	
CISPI 310-97	Couplings for Use in Connection with Hubless Cast Iron Soil Pipe and Fittings for Sanitary and Storm Drain, Waste, and Vent Piping Applications	Joints	
FS A-A-51145C	Flux, Soldering, Nonelectronic, Paste and Liquid	Joints	
FS K65.59-71	Acrylonitrile-Butadiene-Styrene (ABS) sewer pipe and fittings	Piping, Plastic	
FS M265-811	Acrylonitrile-Butadiene-Styrene (ABS) Sch. 40 plastic drain, waste and vent pipe and fittings	Piping, Plastic	
FS O-F-499D-85	Flux brazing	Joints	
FS O-F-506C-72 (D)	Flux, soldering	Joints	
FS OO-L-201 f-70	Shower pans-sheet lead, grade B, 4 lb. min.	Miscellaneous	
FS QQ-R-571C-69 [D]	Copper and nickel alloys (rods)	Miscellaneous	
FS TT-S-1732-71	Seal compound pipe joint and thread	Joints	
FS WW-P 325B-76	Lead pipe and bends	Piping	
FS WW-P-521F-77	Copper alloy (bronze) unions	Piping, Copper Alloy	
FS WW-P-541-E-Gen.1980	Plumbing fixtures, general specification	Fixtures	
FS WW-U-516A-74(b)	Copper alloy (bronze) unions	Piping, Copper Alloy	
FS WW-V-54d	Valve, Gate, Bronze (125, 150 and 200 Pound, Screwed Flange, Solder-End, for Land Use)	Valves	
FS WW-V 58b	Valves, Gate, Cast Iron; 125 and 250-Pound, Screwed and Flanged (for Land Use)	Valves	
IAPMO IS 1-91 e1	Nonmetallic Building Sewers	Piping, Nonmetallic	
IAPMO IS 2-90	Tile-Lined Roman Bathtubs	Fixtures	
IAPMO IS 3-93 e1	Copper Plumbing Tube, Pipe and Fittings	Piping, Copper Alloy	
IAPMO IS 4-96	Tile-Lined Shower Receptors (and Replacements)	Fixtures	
IAPMO IS 5-92 e1	ABS Building Drain, Waste, and Vent Pipe and Fittings	Piping, Plastic	
IAPMO IS 6-95	Hubless Cast Iron Sanitary and Rainwater Systems	Piping, Ferrous	
IAPMO IS 7-90 e1	Polyethylene (PE) cold Water Building Supply	Piping, Plastic	
IAPMO IS 8-95 e1	PVC Cold Water Building Supply and Yard Piping	Piping, Plastic	
IAPMO IS 9-95 e1	PVC Building Drain, Waste and Vent Pipe Fittings	Piping, Plastic	

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IAPMO IS 11-87 e1	ABS Sewer Pipe and Fittings	Piping, Plastic	
IAPMO IS 12-93 e1	Polyethylene (PE) for Gas Yard Piping	Piping, Plastic	
IAPMO IS 13-91 e1	Protectively Coated	Pipe Piping	
IAPMO IS 15-82	Asbestos Cement Pressure Pipe for Water Service and Yard Piping	Piping, Nonmetallic	
IAPMO IS 16-84	Low Pressure Air Test for Building Sewers	Piping	
IAPMO IS 18-85 e1	Extra Strength Vitrified Clay Pipe in Building Drains	Piping, Nonmetallic	
IAPMO IS 20-98	CPVC Solvent Cemented Hot and Cold Water Distribution Systems	Piping, Plastic	
IAPMO IS 21-89 e1	Welded Copper and Copper Alloy Water Tube	Piping, Copper Alloy	
IAPMO IS 26-99	Trenchless Polyethylene (PE) Pipe for Sewer Laterals	Piping, Plastic	
IAPMO PS 1-99	Prefabricated Septic Tanks	DWV Components	
IAPMO PS 2-89	Cast Brass and Tubing P-Traps	Piping, Copper Alloy	
IAPMO PS 4-99	Drains for Prefabricated and Precast Showers	Fixtures	
IAPMO PS 7-84	Tubing Trap Wall Adapters	DWV Components	
IAPMO PS 9-84	Diversion Tees and Twin Waste Elbows	DWV Components	
IAPMO PS 13-89	Testing and Rating Procedure for Grease Traps (Note 2)	DWV Components	
IAPMO PS 14-99	Flexible Metallic Water Connectors	Piping	
IAPMO PS 16-97	Subdrains for Built-Up Shower Pans	Fixtures	
IAPMO PS 23-89	Dishwasher Drain Airgaps	Backflow Protection	
IAPMO PS 25-84	Fittings for Joining Polyethylene Pipe for Water Service and Yard Piping	Joints	
IAPMO PS 31-95	Backflow Prevention Assemblies	Backflow Protection	
IAPMO PS 34-96	Polyethylene Encasement Sleeve for Potable Water Pipe and Tubing	Piping	
IAPMO PS 36-90	Lead-Free Sealing Compounds for Threaded Joints	Joints	
IAPMO PS 37-90	Black Plastic PVC or PE Pressure-Sensitive Corrosion Preventive Tape	Piping	
IAPMO PS 38-99	ABS and PVC Backwater Valves	DWV Components	
IAPMO PS 39-91	Testing Mechanical Fittings Composed of Multiple Components For Various Fitting Configuration For Use With Thermoplastic Gas Pressure Pipe	Fuel Gas	
IAPMO PS 40-91	Anodeless Transition Riser for Use with Polyethylene and PVC Gas Yard Piping	Fuel Gas	
IAPMO PS 41-99	Copper and Other Metallic Roof/Deck/Balcony Drains	DWV Components	
IAPMO PS 42-96	Pipe Alignment and Secondary Support Systems	Piping	
IAPMO PS 43-91	Cushioned Bathtubs And Whirlpool Bathtub Appliances	Fixtures	

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IAPMO PS 44-92	Shielded Transition Couplings for Use with Dissimilar DWV Pipe and Fittings Above Ground	Joints	
IAPMO PS 45-91	Bathtub Three-Way Diverter Valves with Backflow Protection	Valves	
IAPMO PS 47-99	Plastic Roof Drains	DWV Components	
IAPMO PS 48-92	Material Safety Data Verification For Plumbing Products	Miscellaneous	
IAPMO PS 49-92	Backflow Prevention Requirements for Fixture Fittings with Hose Connected Singular Moveable Outlets	Backflow Protection	
IAPMO PS 50-92	Dual Flush Devices For Water Closets	Fixtures	
IAPMO PS 51-98	Plastic and Metallic Expansion Joints	Joints	
IAPMO PS 52-99	Sumps and Sewage Ejector Tanks	DWV Components	
IAPMO PS 53-92	Grooved Mechanical Pipe Couplings and Grooved End Fittings	Joints	
IAPMO PS 54-99	Metallic and Plastic Utility Boxes	Miscellaneous	
IAPMO PS 55-92	Bathwaste Strainer Drains	Fixtures	
IAPMO PS 57-92	PVC Hydraulically Actuated Diaphragm Type Water Control Valves	Valves	
IAPMO PS 58-92	Supports for Off-the-Floor Plumbing Fixtures With or Without Concealed Tanks	Fixtures	
IAPMO PS 59-92	Septic Effluent and Waste Water Diverter Valves	DWV Components	
IAPMO PS 60-96	Sewage Holding Tank Containing Sewage Ejector Pump for Direct Mounted Water Closet	DWV Components	
IAPMO PS 61-92	Fabricated Stainless Steel Security Water Closets	Fixtures	
IAPMO PS 62-93	Enameled Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 63-99	Plastic Leaching Chambers	DWV Components	
IAPMO PS 64-98	Pipe Flashings	Piping	
IAPMO PS 65-93	Airgap Units for Water Conditioning Equipment Installation	Backflow Protection	
IAPMO PS 66-93	Dielectric Waterway Fittings	Piping	
IAPMO PS 67-93	Early-Closure Replacement Flappers or Early-Closure Replacement Flapper With Mechanical Assemblies	Fixtures	
IAPMO PS 69-98	Plastic Bathwaste and Overflow Assemblies	Piping, Plastic	
IAPMO PS 70-93	Bathtub/Whirlpool Bathtubs with Pressure Sealed Doors	Fixtures	
IAPMO PS 71-93	Electronic Controlled Showers	Fixtures	
IAPMO PS 72-93	Valves with Atmospheric Vacuum Breakers	Valves	
IAPMO PS 73-93	Dental Vacuum Pumps	Miscellaneous	
IAPMO PS 74-99	Reinforced Flexible Water Connectors	Piping	
IAPMO PS 76-95	Ballcock or Flushometer Valve Tailpiece Trap Primers and Trap Primer Receptors/Adapters	DWV Components	
IAPMO PS 77-99	Electrohydraulic Water Closets	Fixtures	
IAPMO PS 78-95	Dual Flush for Electrohydraulic and Gravity 6 Liter (1.6 Gallons) Water Closet	Fixtures	
IAPMO PS 79-95	Multiport Electronic Trap Primer	DWV Components	

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IAPMO PS 80-95	Grease Interceptors and Clarifiers	DWV Components	
IAPMO PS 81-95	Precast Concrete Seepage Pit Liners and Covers	DWV Components	
IAPMO PS 82-95	Fiberglass (Glass Fiber Reinforced Thermosetting Resin) Fittings	Piping, Plastic	
IAPMO PS 83-95	Epoxy Coated Cast Iron Sanitary Floor Sinks	Fixtures	
IAPMO PS 84-95	PVC Plastic Sanitary Floor Sinks	Fixtures	
IAPMO PS 85-95	Tools for Mechanically Formed Tee Connections in Copper Tubing	Piping	
IAPMO PS 86-95	Rainwater Diverter Valve for Nonroofed Area Slabs	DWV Components	
IAPMO PS 87-95	Diverter and Shut-Off Valves for Pool/Spas	Valves	
IAPMO PS 88-95	Pre-Pressurized Potable Water Tanks	Miscellaneous	
IAPMO PS 89-95	Soaking and Hydrotherapy (Whirlpool) Bathtubs with Hydraulic Seatlift	Fixtures	
IAPMO PS 90-95	Elastomeric Test Caps/Cleanout Caps	DWV Components	
IAPMO PS 91-95	Plastic Stabilizers for Use with Plastic Closet Bends	Piping, Plastic	
IAPMO PS 92-95	Heat Exchangers	Miscellaneous	
IAPMO PS 93-99	Water Closet Seats with Spray	Fixtures	
IAPMO PS 94-96	P-Trap, Supply Stop and Riser Insulated Protector	Miscellaneous	
IAPMO PS 95-98	Drain, Waste, and Vent Hangers and Plastic Pipe Support Hooks	Piping	
IAPMO PS 96-96	Passive Direct Solar Water Heaters	Miscellaneous	
IAPMO PS 97-97	Mechanical Cast Iron Closet Flanges	Piping, Ferrous	
IAPMO PS 98-96	Prefabricated Fiberglass Church Baptisries	Fixtures	
IAPMO PS 99-96	Terrazzo Plumbing Fixtures	Fixtures	
IAPMO PS 100-96	Porous Filter Protector for Sub-Drain Weep Holes	DWV Components	
IAPMO PS 101-97	Suction Relief Valves	Valves	
IAPMO PS 102-97	Short Pattern Fixture Trap	DWV Components	
IAPMO PS 103-97	Water Heater Stands With or Without Pans	Appliances	
IAPMO PS 104-97	Pressure Relief Connection for Dispensing Equipment	Valves	
IAPMO PS 105-97	Polyethylene Distribution Boxes	DWV Components	
IAPMO PS 106-98	Pre-Fabricated, Tileable Shower Receptors	Fixtures	
IAPMO PS 107-98	Aramid Reinforced Rubber Hose for Use in Non-potable Water Radiant Heating and Snowmelting	Piping, Plastic	X
IAPMO PS 108-98	Grease Fire Suppression Systems	Appliances	
IAPMO PS 109-96	Rigid Unshielded Mechanical Couplings for Use with Plain End Drain, Waste, and Vent (DWV) Pipe and Plain End Sewer Pipe	Joints	
IAPMO PS 110-99	PVC Cold Water Compression Fittings	Fittings	
IAPMO PS 111-99	PVC Cold Water Gripper Fittings	Fittings	
IAPMO PS 112-99	PVC Plastic Valves for Cold Water Distribution Systems Outside a Building and CPVC Plastic Valves for Hot and Cold Water Distribution Systems	Valves	

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IAPMO PS 113-99	Hydraulically Powered Household Food Waster Grinders	Appliances	
IAPMO PS 114-99	Remote, Floor Box Industrial Water Supply, Air Supply, Drainage	Miscellaneous	
IAPMO PS 115-99	Hot Water Demand or Automatic Activated Hot Water Pumping Systems	Miscellaneous	
IAPMO PS 116-99	Hot Water Circulating Devices Which Do Not Use a Pump	Miscellaneous	
IAPMO SPS 3-93	Skimmers (Spas, Hot Tubs and Swimming Pools)	Swimming Pools and Spas	
IAPMO SPS 4-89	Special Use Suction Fittings for Swimming Pools, Spas and Hot Tubs (For Suction Side Automatic Swimming Pool Cleaners)	Swimming Pools and Spas	
IAS LC 1-97	Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST) (same as CSA 6.26-M97)	Fuel Gas	X
MIL-F-1183 H-83 [D]	Fittings, Pipe, Cast Bronze, Silver-Brazing	Piping, Copper Alloy	
MIL-F-18180C1	Flanges and Flanged Fittings, Pipe, Steel (150, 300, 400, 600, 900, 1500, and 2500 pounds)	Piping, Ferrous	
MIL-P-17552	Pumps, Centrifugal, Water, Horizontal, General Service; and Pumps, Centrifugal Water, Horizontal, Boiler-Feed; Electric Motor or Steam Driven	Pumps	
MIL-P-21214B-92	Vertical sump pumps	Pumps	
SSPMA-85			
MIL-P-21251C	Plumping Units, Sewage, Duplex, Automatic, Wet-Pit-Type	Pumps	
MIL-P-22561-82(D)	Glass (standard cancelled per Department of Defense)	Miscellaneous	
MIL-V-29193-80(D)	Pressurized flushing devices	Fixtures	
MIL-P-52407	Pump, Centrifugal: Electric-Motor-Driven, Shallow (A)-1976 (D) Well (for Water)	Pumps	
MIL-P-62156	Submersible, axial flow, electric motor driven	Pumps	
MIL-P-B-81 (D)	(1)-1983 (D)		
SSPMA-85	Sewage pumps	Pumps	
MSS SP-25-93	Standard Marking System for Valves, Fittings, Flanges and Unions	Piping	
MSS SP-42-90 (R95)	Class 150 Corrosion Resistant Gate, Globe, Angle and Check Valves with Flanged and Butt Weld Ends	Piping, Ferrous	
MSS SP-44-91	Steel Pipeline Flanges	Piping, Ferrous	
MSS SP-58-93	Pipe Hangers And Supports – Materials, Design and Manufacture	Piping	
MSS SP-67-90	Butterfly Valves	Valves	
MSS SP-70-90	Cast Iron Gate Valves, Flanged and Threaded Ends	Valves	
MSS SP-71-90	Cast Iron Swing Check Valves, Flanged and Threaded Ends	Valves	

PROPOSED

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
MSS SP-72-92	Ball Valves with Flanged or Butt-Welding Ends for General Service	Valves	
MSS SP-73-91	Brazing Joints for Wrought and Cast Copper Alloy Solder Joint Pressure Fittings	Joints	
MSS SP-78-87 (R92)	Cast Iron Plug Valves, Flanged and Threaded Ends	Valves	
MSS SP-80-87	Bronze Gate, Globe, Angle and Check Valves	Valves	
MSS SP-83-87	Steel Pipe Unions Socket-Welding and Threaded	Piping, Ferrous	
MSS SP-84 [D]	Steel Valves – Socket-Welding Ends and Threaded Ends (discontinued)	Valves	
NFPA 13R-1996	Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height	Miscellaneous	
NFPA 13D-1996	Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes	Miscellaneous	
NFPA 31-97	Installation of Oil-Burning Equipment	Miscellaneous	
NFPA 54-96	National Fuel Gas Code	Fuel Gas	
NFPA 58-98	Storage and Handling of Liquefied Petroleum Gases	Fuel Gas	
NFPA 99-99 (Ch. 2 &4)	Medical Gas Systems	Piping	
NFPA 99-99 (Ch. 2 &4)	Gas and Vacuum Systems	Piping	
NFPA 211-96	Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances	Miscellaneous	
NFPA 8501-97	Single Burner Boiler Operation	Appliances	
NSF 3-96	Commercial Spray-Type Dishwashing and Glass-washing Machines	Appliances	
NSF 12-93	Automatic Ice Making Equipment	Appliances	
NSF 14-98	Plastic Piping Components and Related Materials	Piping, Plastic	
NSF 18-96	Manual Food and Beverage Dispensing Equipment	Appliances	
NSF 24-96	Plumbing System Components for Manufactured Homes and Recreational Vehicles	Miscellaneous	
NSF 29-93	Chemical Feeders for Commercial Dishwashers	Appliances	
NSF 40-99	Residential Wastewater Treatment Systems	DWV Components	
NSF 41-98	Nonliquid Saturated Treatment Systems	DWV Components	
NSF 42-98	Drinking Water Treatment Units -Aesthetic Effects	Appliances	
NSF 44-98	Cation Exchange Water Softeners	Appliances	
NSF 46-97	Evaluation of Components and Devices Used in Wastewater Treatment Systems	DWV Components	
NSF 53-98	Drinking Water Treatment Units - Health Effects	Appliances	
NSF 58-98	Reverse Osmosis Drinking Water Treatment Systems	Appliances	
NSF 61-98	Drinking Water System Components -Health Effects	Miscellaneous	
NSF 62-97	Water Distillation Systems	Appliances	

PROPOSED

Standard Number	Standard Title	Application	Indicate if Not Approved in the UPC
NSPI 1-1991	Public Swimming Pools	Swimming Pools and Spas	
PDI G-101-85	Testing and Rating Procedure for Grease Interceptors with Appendix of Sizing and Installation Data	DWV Components	
PDI-WH 201-92	Water Hammer Arresters	Piping	
SAE J1670-93	Type "F" Clamps for Plumbing Applications	Joints	
SAMA LF6a	Medical Care Facility Brassware	Miscellaneous	
UL 80-92	Steel Inside Tanks for Oil-Burner Fuel	Miscellaneous	
UL 103-95	Factory-Built Chimneys for Residential Type and Building Heating Appliances	Miscellaneous	
UL 125-93	Valves for Anhydrous Ammonia and LP-Gas (Other than Safety Relief)	Valves	
UL 132-93	Safety Relief Valves for Anhydrous Ammonia and LP-Gas	Valves	
UL 144-85	Pressure Regulating Valves for LP Gas	Valves	
UL 174-89	Household Electric Storage Tank Water Heaters	Appliances	
UL 343-93	Pumps for Oil-Burning Appliances	Pumps	
UL 352-92	Constant-Level Oil Valves	Valves	
UL 378-93	Draft Equipment	Miscellaneous	
UL 399-92	Drinking-Water Coolers	Appliances	
UL 430-86	Waste Disposers	Appliances	
UL 441-91	Gas Vents	Miscellaneous	
UL 443-89	Steel Auxiliary Tanks for Oil-Burner Fuel	Miscellaneous	
UL 499-97	Electrical Heating Appliances	Appliances	
UL 563-91	Ice Makers	Appliances	
UL 569-94	Pigtails and Flexible Hose Connectors for LP-Gas	Fuel Gas	
UL 723-96	Standard Test for Surface Burning Characteristics of Building Materials	Miscellaneous	
UL 726-90	Oil-Fired Boiler Assemblies	Appliances	
UL 732-87	Oil-Fired Storage Tank Water Heaters	Appliances	
UL 749-94	Household Dishwashers	Appliances	
UL 778-91	Motor-Operated Water Pumps	Pumps	
UL 834-91	Heating, Water Supply, and Power Boilers -Electric	Appliances	
UL 921-95	Commercial Electric Dishwashers	Appliances	
UL 1453-94	Electric Booster and Commercial Storage Tank Water Heaters	Appliances	
WQA S-100-95	Household, Commercial and Portable Exchange Water Softeners (replaced by NSF 44-98)	Appliances	
WQA S-200-93	Household and Commercial Water Filters	Appliances	
WQA S-300-91	Point-of-Use Low Pressure Reverse Osmosis Drinking Water Systems	Appliances	
3-GP-28	Fuel Oil, Canadian Government Specification Board	Miscellaneous	

PROPOSED

- Footnotes:
1. Although this standard is referenced in Table 14-1, some of the pipe, tubing, fittings, valves, or fixtures included in the standard are not acceptable for use under the provisions of the Uniform Plumbing Code.
 2. PDI Standard G101 by reference.
 3. Additional Requirements for Inner and Outer Layers.
 4. See Section 316.1.3 for restriction.
 5. Alloy C85200 for cleanout plugs.
 6. Limited to domestic sewage.
 7. Type II only.
 8. Fixture fittings with hose connected singular moveable outlets shall have two check valves and an atmospheric vacuum breaker.
 9. ASSE 1066 is not intended to limit the maximum outlet temperature at point of use.
 10. See section 315.0 for Trenching, Excavation, and Backfilling requirements when installing building drains and sewers. Engineers may wish to consult ASTM D2321 when preparing plans and specifications for sewer mains or specific projects.

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.

NEW SECTION

WAC 51-56-1500 Chapter 15—Storm drainage.

1501.0 General.

1501.1 Where Required. All roofs, paved areas, yards, courts, and courtyards shall be drained into a separate storm sewer system, or into a combined sewer system where a separate storm sewer system is not available, or to some other place of disposal satisfactory to the administrative authority. In the case of one- and two-family dwellings, storm water may be discharged on flat areas such as streets or lawns so long as the storm water shall flow away from the building and away from adjoining property, and shall not create a nuisance.

1501.2 Storm Water Drainage to Sanitary Sewer Prohibited. Storm water shall not be drained into sewers intended for sanitary drainage only.

1501.3 Material Uses. Rainwater piping placed within the interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, lead, Schedule 40 ABS DWV, Schedule 40 PVC DWV, or other approved materials, and changes in direction shall conform to the requirements of Section 706.0.

1501.4 Expansion Joints Required. Expansion joints or sleeves shall be provided where warranted by temperature variations or physical conditions.

1501.5 Subsoil Drains.

1501.5.1 Subsoil drains shall be provided around the perimeter of buildings having basements, cellars, or crawl spaces or floors below grade. Such subsoil drains may be positioned inside or outside of the footing, shall be of perforated, or open-jointed approved drain tile or pipe not less than three (3) inches (76 mm) in diameter, and shall be laid in gravel, slag, crushed rock, approved three-quarter (3/4) inch (19.1 mm) crushed recycled glass aggregate, or other approved porous

material with a minimum of four (4) inches (102 mm) surrounding the pipe on all sides. Filter media shall be provided for exterior subsoil piping.

1501.5.2 Subsoil drains shall be piped to a storm drain, to an approved water course, to the front street curb or gutter, or to an alley; or the discharge from the subsoil drains shall be conveyed to the alley by a concrete gutter. Where a continuously flowing spring or groundwater is encountered, subsoil drains shall be piped to a storm drain or an approved water course.

1501.5.3 Where it is not possible to convey the drainage by gravity, subsoil drains shall discharge to an accessible sump pit provided with an approved automatic electric pump. A sump pit shall be at least fifteen (15) inches (381 mm) in diameter, eighteen (18) inches (457 mm) in depth, and provided with a fitted cover. The sump pump shall have an adequate capacity to discharge all water coming into the sump as it accumulates to the required discharge point, and the capacity of the pump shall not be less than fifteen (15) gpm (1.0 L/s). The discharge piping from the sump pump shall be a minimum of one and one-half (1-1/2) inches (38 mm) in diameter and have a union to make the pump accessible for servicing.

1501.5.4 For separate dwellings not serving continuously flowing springs or ground water, the sump discharge pipe may discharge onto a concrete splash block with a minimum length of twenty-four (24) inches (610 mm). This pipe shall be within four (4) inches (102 mm) of the splash block and positioned to direct the flow parallel to the recessed line of the splash block.

1501.5.5 Subsoil drains subject to backflow when discharging into a storm drain shall be provided with a backwater valve in the drain line so located as to be accessible for inspection and maintenance.

1501.5.6 Nothing in Section 1501.5 shall prevent drains that serve either subsoil drains or areaways of a detached building from discharging to a properly graded open area, provided that:

- (1) They do not serve continuously flowing springs or ground water;
- (2) The point of discharge is at least ten (10) feet (3048 mm) from any property line; and
- (3) It is impracticable to discharge such drains to a storm drain, to an approved water course, to the front street curb or gutter, or to an alley.

1501.6 Building Subdrains. Building subdrains located below the public sewer level shall discharge into a sump or receiving tank, the contents of which shall be automatically lifted and discharged into the drainage system as required for building sumps.

1501.7 Areaway Drains. All open subsurface space adjacent to a building, serving as an entrance to the basement or cellar of a building, shall be provided with a drain or drains. Such areaway drains shall be two (2) inches (51 mm) minimum diameter for areaways not exceeding one hundred (100) square feet (9.3 m²) in area, and shall be discharged in the

manner provided for subsoil drains not serving continuously flowing springs or ground water (see Section 1501.5.2). Areaways in excess of one hundred (100) square feet (9.3 m²) shall not drain into subsoil. Areaway drains for areaways exceeding one hundred (100) square feet (9.3 m²) shall be sized according to Table 15-2.

1501.8 Window Areaway Drains. Window areaways not exceeding ten (10) square feet (0.9 m²) in area may discharge to the subsoil drains through a two (2) inch (51 mm) pipe. However, window areaways exceeding ten (10) square feet (0.9 m²) in area shall be handled in the manner provided for entrance areaways (see Section 1501.7).

1501.9 Filling Stations and Motor Vehicle Washing Establishments. Public filling stations and motor vehicle washing establishments shall have the paved area sloped toward sumps or gratings within the property lines. Curbs not less than six (6) inches (152 mm) high shall be placed where required to direct water to gratings or sumps.

1501.10 Paved Areas. Where the occupant creates surface water drainage, the sumps, gratings or floor drains shall be piped to a storm drain or an approved water course.

1501.11 Roof Drainage.

1501.11.1 Primary Roof Drainage. Roof areas of a building shall be drained by roof drains or gutters. The location and sizing of drains and gutters shall be coordinated with the structural design and pitch of the roof. Unless otherwise required by the administrative authority, roof drains, gutters, vertical conductors or leaders, and horizontal storm drains for primary drainage shall be sized based on a storm of sixty (60) minutes duration and 100-year return period (see Appendix D).

1501.11.2 Secondary Roof Drainage.

1501.11.2.1 Where parapet walls or other construction extend above the roof and create areas where storm water would become trapped if the primary roof drainage system failed to provide sufficient drainage, an independent secondary roof drainage system consisting of scuppers, standpipes, or roof drains shall be provided. Secondary roof drainage systems shall be sized in accordance with Section 1501.11.1 of this code. Overflow drains shall be the same size as the roof drains with the inlet flow line two (2) inches (51 mm) above the low point of the roof and shall be installed independent from the roof drains.

1501.11.2.2 Where secondary roof drainage is provided by means of roof drains or standpipes, the secondary system shall be separate from the primary system and shall discharge independently at grade or other approved point of discharge.

1501.11.2.3 Where secondary roof drainage is provided, the overflow level(s) into the secondary system shall be determined by the structural design of the roof, including roof deflection, at a level not less than two (2) inches (51 mm) above the level of the primary drain. An allowance shall be made to account for the required overflow head of water above the secondary inlets. The elevation of the secondary

inlet plus the required overflow head shall not exceed the maximum allowable water level on the roof.

1501.11.2.4 Scuppers shall be sized as rectangular weirs, using hydraulic principles to determine the required length and resulting overflow head (see Appendix D). Secondary roof drains and standpipes shall be sized according to Table 15-1. Where standpipes are used, the head allowance required under Section 1501.11.2.3 shall be not less than one and one-half (1-1/2) inches (38 mm).

1501.11.3 Equivalent Systems. When approved by the administrative authority, the requirements of Sections 1501.11.1 and 1501.11.2 shall not preclude the installation of an engineered roof drainage system that has sufficient capacity to prevent water from ponding on the roof in excess of that allowed in the roof structural design with a rainfall rate of at least twice that for a 100-year, 60-minute storm and with a blockage in any single point in the storm drainage system.

1501.12 Cleanouts.

1501.12.1 Cleanouts for building storm drains shall comply with the requirements of this section. Rain leaders and conductors connected to a building storm sewer shall have a cleanout installed at the base of the outside leader or outside conductor before it connects to the horizontal drain. Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade.

1501.12.2 Each cleanout shall be installed so that it opens to allow cleaning in the direction of flow of the soil or waste or at right angles thereto, and except in the case of wye branch and end-of-line cleanouts, shall be installed vertically above the flow line of the pipe.

1501.12.3 Cleanouts installed under concrete or asphalt paving shall be made accessible by yard boxes, or extending flush with paving with approved materials and be adequately protected.

1501.12.4 Approved manholes may be installed in lieu of cleanouts when first approved by the administrative authority. The maximum distance between manholes shall not exceed three hundred (300) feet (91.4 m).

The inlet and outlet connections shall be made by the use of a flexible compression joint no closer than twelve (12) inches (305 mm) to, and not farther than three (3) feet (914 mm) from the manhole. No flexible compression joints shall be embedded in the manhole base.

1501.13 All rainwater sumps serving "public use" occupancy buildings shall be provided with dual pumps arranged to function alternately in case of overload of mechanical failure.

1502.0 Materials.

1502.1 Conductors.

1502.1.1 Conductors installed aboveground in buildings shall be constructed of materials specified in Table 14-1.

1502.1.2 The inside of conductors installed above ground level shall be of seamless copper water tube, Type K, L or M; Schedule 40 copper pipe or Schedule 40 copper alloy pipe; Type DWV copper drainage tube; service weight cast iron soil pipe or hubless cast iron soil pipe; standard weight galvanized steel pipe; or Schedule 40 ABS or Schedule 40 PVC plastic pipe.

1502.2 Leaders.

1502.2.1 Leaders shall be constructed of materials specified in Table 14-1.

1502.2.2 Leaders shall be of seamless copper water tube, Type K, L or M; Schedule 40 copper pipe; Schedule 40 copper alloy pipe; type DWV copper drainage tube; service weight cast iron soil pipe or hubless cast iron soil pipe; galvanized steel sheet metal or copper sheet metal; standard weight galvanized steel pipe; Class DL or XL lead pipe; or Schedule 40 ABS or Schedule 40 PVC plastic pipe.

1502.3 Underground Building Storm Drains. All underground building storm drains shall be constructed of materials specified in Table 14-1.

1502.4 Building Storm Sewers. Building storm sewers shall be constructed of materials specified in Table 14-1.

1502.5 Subsoil Drains.

1502.5.1 Subsoil drains shall be constructed of materials specified in Table 14-1.

1502.5.2 Subsoil drains shall be open-jointed or of perforated pipe, vitrified clay, plastic, cast iron, or porous concrete.

1503.0 Traps on Storm Drains and Leaders.

1503.1 Where Required. Leaders and storm drains, when connected to a combined sewer, shall be trapped. Floor and area drains connected to a storm drain shall be trapped.

EXCEPTION: Traps shall not be required where roof drains, rain leaders and other inlets are at locations allowed under Section 906.0, Vent Terminals.

1503.2 Where Not Required. No trap shall be required for a leader(s) or conductor(s) which is connected to a sewer carrying storm water exclusively.

1503.3 Trap Size. Traps, when installed for individual conductors, shall be the same size as the horizontal drain to which they are connected.

1503.4 Method of Installation of Combined Sewer. Individual storm-water traps shall be installed on the storm-water drain branch serving each storm-water inlet, or a single trap shall be installed in the main storm drain just before its connection with the combined building sewer. Such traps shall be provided with an accessible cleanout on the outlet side of the trap.

1504.0 Leaders, Conductors, and Connections.

1504.1 Improper Use. Leaders or conductors shall not be used as soil, waste, or vent pipes, nor shall soil, waste, or vent pipes be used as leaders or conductors.

1504.2 Protection of Leaders. Leaders installed along alleyways, driveways, or other locations where they may be exposed to damage shall be protected by metal guards, recessed into the wall, or constructed from ferrous pipe.

1504.3 Combining Storm with Sanitary Drainage. The sanitary and storm drainage system of a building shall be entirely separate, except where a combined sewer is used, in which case the building storm drain shall be connected in the same horizontal plane through single wye fittings to the combined building sewer at least ten (10) feet (3048 mm) downstream from any soil stack.

1505.0 Roof Drains.

1505.1 Material.

1505.1.1 Roof drains shall be constructed of materials specified in Table 14-1.

1505.1.2 Roof drains shall be of cast iron, copper or copper alloy, lead or plastic.

1505.2 Dome or Strainer for General Use. All roof drains and overflow drains, except those draining to hanging gutters, shall be equipped with strainers extending not less than four (4) inches (102 mm) above the surface of the roof immediately adjacent to the drain. Strainers shall have a minimum inlet area above the roof level of not less than one and one-half (1-1/2) times the area of the conductor or leader to which the drain is connected.

1505.3 Strainers for Flat Decks. Roof drain strainers for use on sun decks, parking decks, and similar areas which are normally serviced and maintained may be of the flat surface-type. Such roof drain strainers shall be level with the deck and shall have an available inlet area of no less than two (2) times the area of the conductor or leader to which the drain is connected.

1505.4 Roof Drain Flashings. Connection between the roof and roof drains which pass through the roof and into the interior of the building shall be made watertight by the use of proper flashing material.

1505.4.1 Where lead flashing material is used, it shall be a minimum of four (4) pounds per square foot (19.5 kg/m²).

1505.4.2 Where copper flashing material is used, it shall be a minimum of twelve (12) ounces per square foot (3.7 kg/m²).

1506.0 Size of Leaders, Conductors, and Storm Drains.

1506.1 Vertical Conductors and Leaders. Vertical conductors and leaders shall be sized on the basis of the maximum projected roof area and Table 15-1.

1506.2 Size of Horizontal Storm Drains and Sewers. The size of building storm drains or building storm sewers or any of their horizontal branches shall be based upon the maxi-

imum projected roof or paved area to be handled and Table 15-2.

1506.3 Size of Roof Gutters. The size of semicircular gutters shall be based on the maximum projected roof area and Table 15-3.

1506.4 Side Walls Draining onto a Roof. Where vertical walls project above a roof so as to permit storm water to drain to the roof area below the adjacent roof area may be computed from Table 15-1 as follows:

1. For one (1) wall – add fifty (50) percent of the wall area to the roof area figures.
2. For two (2) adjacent walls – add thirty-five (35) percent of the total wall areas.
3. Two (2) walls opposite of same height – add no additional area.
4. Two (2) walls opposite of differing heights – add fifty (50) percent of wall area above top of lower wall.
5. Walls on three (3) sides – add fifty (50) percent of area of the inner wall below the top of the lowest wall, plus allowance for the area of wall above top of lowest wall, per (2) and (4) above.
6. Walls on four (4) sides – no allowance for wall areas below top of lowest wall – add for areas above the top of the lowest wall per (1), (2), (4) and (5) above.

1507.0 Values for Continuous Flow.

Where there is a continuous or semi-continuous discharge into the building storm drain or building storm sewer, as from a pump, ejector, air-conditioning plant, or similar device, one (1) gpm (3.8 L/min.) of such discharge shall be computed as being equivalent to twenty-four (24) square feet (2.2 m²) of roof area, based upon a rate of rainfall of four (4) inches (102 mm) per hour.

1508.0 Testing.

1508.1 Testing Required. New building storm drainage systems and parts of existing systems that have been altered, extended or repaired shall be tested as described in Section 1508.2.1 to disclose leaks and defects.

1508.2 Methods of Testing Storm Drainage Systems. Except for outside leaders and perforated or open jointed

drain tile, the piping of storm drain systems shall be tested upon completion of the rough piping installation by water or air, and proved tight. The administrative authority may require the removal of any cleanout plugs to ascertain if the pressure has reached all parts of the system. Either of the following test methods shall be used:

1508.2.1 Water Test. After piping has been installed, the water test shall be applied to the drainage system, either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed except for the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except for the highest opening of the section under test, and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3048 mm) head of water. In testing successive sections, at least the upper ten (10) foot (3048 mm) of the next preceding section shall be tested so that no joint of pipe in the building (except the uppermost ten (10) foot (3048 mm) of a roof drainage system, which shall be filled with water to the flood level of the uppermost roof drain) shall have been submitted to a test of less than a ten (10) foot (3048 mm) head of water. The water shall be kept in the system or in the portion under test for at least fifteen (15) minutes before inspection starts; the system shall then be tight at all points.

1508.2.2 Air Test. The air test shall be made by attaching an air compressor testing apparatus to any suitable opening after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gage pressure of five (5) psi (34.5 kPa) or sufficient to balance a column of mercury ten (10) inches (254 mm) in height. This pressure shall be held without introduction of additional air for a period of at least fifteen (15) minutes.

1508.2.3 Exceptions. When circumstances exist that make air and water tests, described in Sections 1508.2.1 and 1508.2.2 above, impractical, and for minor maintenance, repairs and installations, the administrative authority may perform the inspection as considered advisable by said authority to assure that the work has been in accordance with provisions of this code.

TABLE 15-1
Sizing Roof Drains, Leaders, and Vertical Rainwater Piping

Size of Drain, Leader or Pipe, Inches	Flow, gpm	Maximum Allowable Horizontal Projected Roof Areas Square feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
2	23	2176	1088	725	544	435	363
3	67	6440	3220	2147	1610	1288	1073
4	144	13,840	6920	4613	3460	2768	2307
5	261	25,120	12,560	8373	6280	5024	4187
6	424	40,800	20,400	13,600	10,200	8160	6800
8	913	88,000	44,000	29,333	22,000	17,600	14,667

TABLE 15-1 (Metric)
Sizing Roof Drains, Leaders, and Vertical Rainwater Piping

Size of Drain, Leader or Pipe, mm	Flow, L/s	Maximum Allowable Horizontal Projected Roof Areas Square meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
50	1.5	202	101	67	51	40	34
75	4.2	600	300	200	150	120	100
100	9.1	1286	643	429	321	257	214
125	16.5	2334	1117	778	583	467	389
150	26.8	3790	1895	1263	948	758	632
200	57.6	8175	4088	2725	2044	1635	1363

- Notes:
1. The sizing data for vertical conductors, leaders, and drains is based on the pipes flowing 7/24 full.
 2. For rainfall rates other than those listed, determine the allowable roof area by dividing the area given in the 1 inch/hour (25 mm/hr) column by the desired rainfall rate.
 3. Vertical piping may be round, square, or rectangular. Square pipe shall be sized to enclose its equivalent round pipe. Rectangular pipe shall have at least the same cross-sectional area as its equivalent round pipe, except that the ratio of its side dimensions shall not exceed 3 to 1.

TABLE 15-2
Sizing of Horizontal Rainwater Piping

Size of Pipe, inches	Flow at 1/8"/ft slope, gpm	Maximum Allowable Horizontal Projected Roof Areas Square Feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
3	34	3288	1644	1096	822	657	548
4	78	7520	3760	2506	1880	1504	1253
5	139	13,360	6680	4453	3340	2672	2227
6	222	21,400	10,700	7133	5350	4280	3566
8	478	46,000	23,000	15,330	11,500	9200	7670
10	860	82,800	41,400	27,600	20,700	16,580	13,800
12	1384	133,200	66,600	44,400	33,300	26,650	22,200
15	2473	238,000	119,000	79,333	59,500	47,600	39,650

Size of Pipe, inches	Flow at 1/4"/ft slope, gpm	Maximum Allowable Horizontal Projected Roof Areas Square Feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
3	48	4640	2320	1546	1160	928	773
4	110	10,600	5300	3533	2650	2120	1766
5	196	18,880	9440	6293	4720	3776	3146
6	314	30,200	15,100	10,066	7550	6040	5033
8	677	65,200	32,600	21,733	16,300	13,040	10,866
10	1214	116,800	58,400	38,950	29,200	23,350	19,450
12	1953	188,000	94,000	62,600	47,000	37,600	31,350
15	3491	336,000	168,000	112,000	84,000	67,250	56,000

Size of Pipe, inches	Flow at 1/2"/ft slope, gpm	Maximum Allowable Horizontal Projected Roof Areas Square Feet at Various Rainfall Rates					
		1"/Hr	2"/Hr	3"/Hr	4"/Hr	5"/Hr	6"/Hr
3	68	6576	3288	2192	1644	1310	1096
4	156	15,040	7520	5010	3760	3010	2500
5	278	26,720	13,360	8900	6680	5320	4450

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6	445	42,800	21,400	14,267	10,700	8580	7140
8	956	92,000	46,000	30,650	23,000	18,400	15,320
10	1721	165,600	82,800	55,200	41,400	33,150	27,600
12	2768	266,400	133,200	88,800	66,600	53,200	44,400
15	4946	476,000	238,000	158,700	119,000	95,200	79,300

- Notes:
1. The sizing data for horizontal piping is based on the pipes flowing full.
 2. For rainfall rates other than those listed, determine the allowable roof area by dividing the area given in the 1 inch/hr (25mm/hr) column by the desired rainfall rate.

TABLE 15-2 (Metric)
Sizing of Horizontal Rainwater Piping

Size of Pipe, mm	Flow at 10mm/m slope, L/s	Maximum Allowable Horizontal Projected Roof Areas Square Meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
75	2.1	305	153	102	76	61	51
100	4.9	700	350	233	175	140	116
125	8.8	1241	621	414	310	248	207
150	14.0	1988	994	663	497	398	331
200	30.2	4273	2137	1424	1068	855	713
250	54.3	7692	3846	2564	1923	1540	1282
300	87.3	12,375	6187	4125	3094	2476	2062
375	156.0	22,110	11,055	7370	5528	4422	3683

Size of Pipe, mm 25mm/Hr	Flow at 20mm/m slope, L/s	Maximum Allowable Horizontal Projected Roof Areas Square Meters at Various Rainfall Rates					
		50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr	
75	3.0	431	216	144	108	86	72
100	6.9	985	492	328	246	197	164
125	12.4	1754	877	585	438	351	292
150	19.8	2806	1403	935	701	561	468
200	42.7	6057	3029	2019	1514	1211	1009
250	76.6	10,851	5425	3618	2713	2169	1807
300	123.2	17,465	8733	5816	4366	3493	2912
375	220.2	31,214	15,607	10,405	7804	6248	5202

Size of Pipe, mm	Flow at 40mm/m slope, L/s	Maximum Allowable Horizontal Projected Roof Areas Square Meters at Various Rainfall Rates					
		25mm/Hr	50mm/Hr	75mm/Hr	100mm/Hr	125mm/Hr	150mm/Hr
75	4.3	611	305	204	153	122	102
100	9.8	1400	700	465	350	280	232
125	17.5	2482	1241	827	621	494	413
150	28.1	3976	1988	1325	994	797	663
200	60.3	8547	4273	2847	2137	1709	1423
250	108.6	15,390	7695	5128	3846	3080	2564
300	174.6	24,749	12,374	8250	6187	4942	4125
375	312.0	44,220	22,110	14,753	11,055	8853	7367

- Notes:
1. The sizing data for horizontal piping is based on the pipes flowing full.
 2. For rainfall rates other than those listed, determine the allowable roof area by dividing the area given in the 1 inch/hr (25mm/hr) column by the desired rainfall rate.

TABLE 15-3
Size of Gutters

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/16" per ft slope					
3	340	226	170	136	113
4	720	480	360	288	240
5	1250	834	625	500	416
6	1920	1280	960	768	640
7	2760	1840	1380	1100	918
8	3980	2655	1990	1590	1325
10	7200	4800	3600	2880	2400

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/8" per ft slope					
3	480	320	240	192	160
4	1020	681	510	408	340
5	1760	1172	880	704	587
6	2720	1815	1360	1085	905
7	3900	2600	1950	1560	1300
8	5600	3740	2800	2240	1870
10	10200	6800	5100	4080	3400

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/4" per ft slope					
3	680	454	340	272	226
4	1440	960	720	576	480
5	2500	1668	1250	1000	834
6	3840	2560	1920	1536	1280
7	5520	3680	2760	2205	1840
8	7960	5310	3980	3180	2655
10	14,400	9600	7200	5750	4800

Diameter of Gutter in Inches	Maximum Rainfall in Inches per Hour				
	2	3	4	5	6
1/2" per ft slope					
3	960	640	480	384	320
4	2040	1360	1020	816	680
5	3540	2360	1770	1415	1180
6	5540	3695	2770	2220	1850
7	7800	5200	3900	3120	2600
8	11,200	7460	5600	4480	3730
10	20,000	13,300	10,000	8000	6660

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**TABLE 15-3 (Metric)
Size of Gutters**

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
5.2mm/m slope					
76.2	31.6	21.0	15.8	12.6	10.5
101.6	66.9	44.6	33.4	26.8	22.3
127.0	116.1	77.5	58.1	46.5	38.7
152.4	178.4	119.1	89.2	71.4	59.5
177.8	256.4	170.9	128.2	102.2	85.3
203.2	369.7	246.7	184.9	147.7	123.1
254.0	668.9	445.9	334.4	267.6	223.0

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
10.4mm/m slope					
76.2	44.6	29.7	22.3	17.8	14.9
101.6	94.8	63.3	47.4	37.9	31.6
127.0	163.5	108.9	81.8	65.4	54.5
152.4	252.7	168.6	126.3	100.8	84.1
177.8	362.3	241.5	181.2	144.9	120.8
203.2	520.2	347.5	260.1	208.1	173.7
254.0	947.6	631.7	473.8	379.0	315.9

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
20.9mm/m slope					
76.2	63.2	42.2	31.6	25.3	21.0
101.6	133.8	89.2	66.9	53.5	44.6
127.0	232.3	155.0	116.1	92.9	77.5
152.4	356.7	237.8	178.4	142.7	118.9
177.8	512.8	341.9	256.4	204.9	170.9
203.2	739.5	493.3	369.7	295.4	246.7
254.0	133.8	891.8	668.9	534.2	445.9

Diameter of Gutter in mm	Maximum Rainfall in Millimeters per Hour				
	50.8	76.2	101.6	127.0	152.4
41.7mm/m slope					
76.2	89.2	59.5	44.6	35.7	29.7
101.6	189.5	126.3	94.8	75.8	63.2
127.0	328.9	219.2	164.4	131.5	109.6
152.4	514.7	343.3	257.3	206.2	171.9
177.8	724.6	483.1	362.3	289.9	241.4
203.2	1040.5	693.0	520.2	416.2	346.5
254.0	1858.0	1238.4	929.0	743.2	618.7

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NEW SECTION**WAC 51-56-201300 Appendix M—Firestop protection for DWV and stormwater applications.****M 1.0 General Requirements.**

M 1.1 Applicability. All DWV and stormwater piping penetrations of fire-resistance rated walls, partitions, floors, floor/ceiling assemblies, roof/ceiling assemblies or shaft enclosures shall be protected in accordance with the requirements of the building code and this chapter.

M 2.0 Plans and Specifications.

M 2.1 Plans and specifications shall indicate with sufficient detail how penetrations of fire resistance rated assemblies shall be firestopped prior to obtaining design approval by the administrative authority.

M 3.0 Installation.

M 3.1 Firestop materials shall be installed in accordance with this chapter, the building code and the manufacturer's instructions.

M 4.0 Definitions.

M 4.1 F Rating. The time period that the penetration firestop system limits the spread of fire through the penetration when tested in accordance with ASTM E 814.

M 4.2 T Rating. The time period that the penetration firestop system, including the penetrating item, limits the maximum temperature rise of 325 degrees F above its initial temperature through the penetration on the nonfire side, when tested in accordance with ASTM E 814.

M 5.0 ABS and PVC DWV (Combustible) Installations.

M 5.1 ABS and PVC DWV Piping installations shall be protected in accordance with the appropriate fire resistance rating requirements in the building code that list the acceptable area, height and type of construction for use in specific occupancies to assure compliance and integrity of the fire resistance rating prescribed.

M 5.2 When penetrating a fire resistance rated wall, partition, floor, floor-ceiling assembly, roof-ceiling assembly, or shaft enclosure, the fire resistance rating of the assembly shall be restored to its original rating with a material or product tested to standard(s) referenced in Chapter 14 and at an independent testing agency acceptable to the administrative authority.

M 5.3 Penetrations shall be protected by an approved penetration firestop system installed as tested in accordance with ASTM E 119 or ASTM E 814, with a minimum positive pressure differential of 0.01 inch of water. Systems shall have an F rating of at least 1 hour but not less than the required fire resistance rating of the assembly being penetrated. Systems protecting floor penetrations shall have a T rating of at least 1 hour but not less than the required fire resistance rating of the floor being penetrated. Floor penetrations contained within the cavity of a wall at the location of the floor penetration do not require a T rating. No T rating shall be required for floor

penetrations by piping that is not in direct contact with combustible material.

M 5.4 The penetration must meet any additional requirements for protection of the penetration in the building code adopted by the administrative authority. When no building code has been adopted by the local administrative authority the penetration requirements shall be as required in NFPA 101, Life Safety Code.

M 5.5 Prior to being concealed, piping penetrations shall be inspected to verify compliance with the fire resistance rating prescribed in the building code or, in the absence of a building code NFPA 101, Life Safety Code.

M 5.6 When piping penetrates a rated assembly, noncombustible piping shall not connect to combustible piping unless it can be demonstrated that the transition complies with the requirements of M 5.3.

M 6.0 Copper, Cast Iron or Steel DWV (Noncombustible) Installations.

M 6.1 Metallic DWV piping installations shall be protected in accordance with the appropriate fire resistance rating requirements in the building code that list the acceptable area, height and type of construction for use in specific occupancies to assure compliance and integrity of the fire resistance rating prescribed.

M 6.2 When penetrating a fire resistance rated wall, partition, floor, floor-ceiling assembly, roof-ceiling assembly, or shaft enclosure, the fire resistance rating of the assembly shall be restored to its original rating with a material or product tested to standard(s) referenced in Section M 6.3 and at an independent testing agency acceptable to the administrative authority.

- EXCEPTIONS:**
1. Concrete, mortar, or grout may be used to fill the annular spaces around cast iron, copper, or steel piping that penetrates concrete or masonry fire resistant rated assemblies. The nominal diameter of the penetrating item should not exceed 6 inches (15.2 cm) and the opening size should not exceed 144 sq. in. (929 sq. cm). The thickness of concrete, mortar, or grout should be the full thickness of the assembly or the thickness necessary to provide a fire resistance rating not less than the required fire resistance rating of the assembly penetrated, or
 2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste for the time period equivalent to the fire resistance rating of the assembly when tested to standard(s) referenced in Section M 6.3.

M 6.3 Penetrations shall be protected by an approved penetration firestop system installed as tested in accordance with ASTM E 119 or ASTM E 814, with a minimum positive pressure differential of 0.01 inch of water. Systems shall have an F rating of at least 1 hour but not less than the required fire resistance rating of the assembly being penetrated. Systems protecting floor penetrations shall have a T rating of at least 1 hour but not less than the required fire resistance rating of the floor being penetrated. Floor penetrations contained within the cavity of a wall at the location of the floor penetration do not require a T rating. No T rating shall be required for floor

penetrations by piping that is not in direct contact with combustible material.

M 6.4 The penetration must meet any additional requirements for protection of the penetration in the building code adopted by the administrative authority. When no building code has been adopted by the local administrative authority the penetration requirements shall be as required in NFPA 101, Life Safety Code.

M 6.5 Prior to being concealed, piping penetrations shall be inspected to verify compliance with the fire resistance rating prescribed in the building code or, in the absence of a building code NFPA 101, Life Safety Code.

M 6.6 When piping penetrates a rated assembly, combustible piping shall not connect to noncombustible piping unless it can be demonstrated that the transition complies with the requirements of M 6.3.

M 6.7 Unshielded couplings shall not be used to connect non-combustible piping unless it can be demonstrated that the fire resistive integrity of the penetration is maintained.

M 7.0 Model Code References.

M 7.1 ICBO Uniform Building Code (1997 edition), Chapters 5 and 6 for heights and areas and occupancies, Chapter 7 for fire resistance ratings and firestop systems.

M 7.2 BOCA National Building Code (1999 edition), Chapters 5 and 6 for heights and areas and occupancies, Chapter 7 for fire resistance ratings and firestop systems.

M 7.3 SBCCI Standard Building Code (1997 edition), Chapters 5 and 6 for heights and areas and occupancies, Chapter 7 for fire resistance ratings and firestop systems.

M 7.4 NFPA 101, Life Safety Code (1997 edition), Chapter 6 for fire resistance ratings and firestop systems.

M 8.0 Inspection Checklist.

M 8.1 General. The administrative authority shall obtain verification of compliance with this chapter through the application of this checklist, the appropriate installation standards, construction documents, specifications and manufacturers product information (if applicable) to determine required details.

M 8.2 The administrative authority having jurisdiction shall determine the type, size and quantity of penetrations to be inspected.

M 8.3 The administrative authority having jurisdiction shall determine the required F ratings (1, 2, 3, or 4 hour) and T ratings (0, 1, 2, 3, or 4 hour) for the assembly being penetrated.

M 8.4 The administrative authority having jurisdiction shall require documentation (drawings) of systems installed by the contractor. This could be a tested system or a manufacturer's engineered system judgment. Ask for product data sheets of products used for identification.

M 8.5 Examination.

M 8.5.1 External Examination. The assembly type, insulation type and thickness, type and size of any sleeve, type and size of penetrant, size of opening, orientation of penetrant, annular space and rating shall be inspected for compliance with the approved drawing submitted.

M 8.5.2 Internal Examination. With contractor present and prepared to make repairs, the contractor shall be directed to cut into the firestop sufficiently to reveal the type and backing materials and the type and amount of the material. The contractor shall repair the firestop and the administrative authority having jurisdiction shall reexamine the installation.

M 8.5.3 The administrative authority having jurisdiction after examining the firestop, both externally and internally, shall compare the values with the design submitted. The administrative authority having jurisdiction will verify that all values fall within the design parameters of the tested or engineered system submitted and approved.

M 8.5.4 The administrative authority having jurisdiction shall continue inspection approving or rejecting applications as required. If sufficient noncompliant installations are found, the entire project may need to be redone. Reexamination after corrections shall be made.

Chapter 51-57 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF APPENDIX I OF THE 2000 EDITION OF THE UNIFORM PLUMBING CODE

NEW SECTION

WAC 51-57-001 Authority. These rules are adopted under the authority of chapter 19.27 RCW.

NEW SECTION

WAC 51-57-002 Purpose. The purpose of these rules is to implement the provisions of chapter 19.27 RCW, which provides that the state building code council shall maintain the State Building Code in a status which is consistent with the purpose as set forth in RCW 19.27.020. In maintaining the codes, the council shall regularly review updated versions of the codes adopted under the act, and other pertinent information, and shall amend the codes as deemed appropriate by the council.

NEW SECTION

WAC 51-57-003 Uniform Plumbing Code standards. The 2000 edition of the Uniform Plumbing Code Standards (Appendix I), published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference.

NEW SECTION

WAC 51-57-007 Exceptions. The exceptions and amendments to the Uniform Codes contained in the provi-

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sions of chapter 19.27 RCW shall apply in cases of conflict with any of the provisions of these rules.

NEW SECTION

WAC 51-57-008 Implementation. The Uniform Plumbing Code Standards adopted by chapter 19.27 RCW shall become effective in all counties and cities of this state on July 1, 2001, unless local government residential amendments have been approved by the state building code council.

NEW SECTION

WAC 51-57-79000 Installation Standard 7-90—Polyethylene cold water building supply and yard piping.

604.1 Location. Polyethylene piping may terminate within a building or structure. The connection to the potable water distribution system shall be accessible, except that it may be buried underground outside of the building or structure in an accessible location. Barbed insert fittings with hose clamps are prohibited within a building.

NEW SECTION

WAC 51-57-89500 Installation Standard 8-95—PVC cold water building supply and yard piping.

604.1 Location. PVC piping may terminate within a building or structure. The connection to the potable water distribution system shall be accessible, except that it may be buried underground outside of the building or structure in an accessible location.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 51-46-001	Authority.
WAC 51-46-002	Purpose.
WAC 51-46-003	Uniform Plumbing Code.
WAC 51-46-007	Exceptions.
WAC 51-46-008	Implementation.
WAC 51-46-0100	Chapter 1—Administration.
WAC 51-46-0101	Section 101 Title, scope and general.
WAC 51-46-0102	Organization and enforcement.
WAC 51-46-0103	Section 103 Permits and inspections.
WAC 51-46-0200	Chapter 2—Definitions.
WAC 51-46-0205	Section 205.0 - C.
WAC 51-46-0215	Section 215.0 - M.
WAC 51-46-0218	Section 218.0 - P.

WAC 51-46-0300	Chapter 3—General regulations.
WAC 51-46-0301	Materials—Standards and alterations.
WAC 51-46-0310	Workmanship.
WAC 51-46-0311	Prohibited fittings and practices.
WAC 51-46-0313	Protection of piping, materials, and structures.
WAC 51-46-0314	Hangers and supports.
WAC 51-46-0316	Joints and connections.
WAC 51-46-0392	Table 3-2 Hangers and supports.
WAC 51-46-0400	Chapter 4—Plumbing fixtures and fixture fittings.
WAC 51-46-0402	Water-conserving fixtures and fittings.
WAC 51-46-0412	Floor drains and shower stalls.
WAC 51-46-0413	Minimum number of required fixtures.
WAC 51-46-0500	Chapter 5—Water heaters.
WAC 51-46-0501	General.
WAC 51-46-0502	Definitions.
WAC 51-46-0505	Gas-fired water heater approval requirements.
WAC 51-46-0507	Combustion air.
WAC 51-46-0509	Prohibited locations.
WAC 51-46-0512	Venting of water heaters.
WAC 51-46-0513	Limitations.
WAC 51-46-0514	Vent connectors.
WAC 51-46-0515	Location and support of venting system.
WAC 51-46-0516	Length pitch and clearance.
WAC 51-46-0517	Vent termination.
WAC 51-46-0518	Area of venting system.
WAC 51-46-0519	Multiple appliance venting.
WAC 51-46-0520	Existing venting system.
WAC 51-46-0521	Draft hoods.
WAC 51-46-0522	Gas venting into existing masonry chimneys.
WAC 51-46-0523	Installation.
WAC 51-46-0524	Mechanical draft systems.

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WAC 51-46-0525 Venting through ventilating hoods and exhaust systems.

WAC 51-46-0600 Water supply and distribution.

WAC 51-46-0603 Cross-connection control.

WAC 51-46-0604 Materials.

WAC 51-46-0608 Water pressure, pressure regulators, pressure relief valves, and vacuum relief valves.

WAC 51-46-0609 Installation, testing, unions, and location.

WAC 51-46-0610 Size of potable water piping.

WAC 51-46-0700 Sanitary drainage.

WAC 51-46-0701 Materials.

WAC 51-46-0704 Fixture connections (drainage).

WAC 51-46-0710 Drainage of fixtures located below the next upstream manhole or below the main sewer level.

WAC 51-46-0713 Building sewers.

WAC 51-46-0793 Table 7-3 Drainage fixture unit values.

WAC 51-46-0800 Indirect wastes.

WAC 51-46-0810 Steam and hot water drainage condensers and sumps.

WAC 51-46-0814 Refrigeration wastes.

WAC 51-46-0815 Air-conditioning equipment.

WAC 51-46-0900 Vents.

WAC 51-46-0903 Materials.

WAC 51-46-1000 Traps and interceptors.

WAC 51-46-1003 Traps—Described.

WAC 51-46-1012 Laundries.

WAC 51-46-1300 Medical gas systems.

WAC 51-46-1301 Scope.

WAC 51-46-1302 Definitions.

WAC 51-46-1303 Plan review.

WAC 51-46-1304 System installation and performance testing.

WAC 51-46-1305 System verification.

WAC 51-46-1400 Referenced standards.

WAC 51-46-1401 Referenced standards.

WAC 51-46-1491 Table 14-1 Standards for materials, equipment, joints and connections.

WAC 51-46-97120 Appendix M—Storm drainage.

WAC 51-46-97121 General.

WAC 51-46-97122 Materials.

WAC 51-46-97123 Traps on storm drains and leaders.

WAC 51-46-97124 Leaders, conductors, and connections.

WAC 51-46-97125 Roof drains.

WAC 51-46-97126 Size of leaders, conductors, and storm drains.

WAC 51-46-97127 Values for continuous flow.

WAC 51-46-97128 Testing.

WAC 51-46-97129 Tables M-1 through M-3.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 51-47-001	Authority.
WAC 51-47-002	Purpose.
WAC 51-47-003	Uniform Plumbing Code Standards.
WAC 51-47-007	Exceptions.
WAC 51-47-008	Implementation.

**WSR 00-16-130
PROPOSED RULES
BUILDING CODE COUNCIL**
[Filed August 2, 2000, 10:34 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 00-03-017.
Title of Rule: Amendment of chapter 51-42 WAC (amendment of the 1997 Edition of the Uniform Mechanical Code).
Purpose: To consider whether to amend the 1997 Edition of the Uniform Mechanical Code (chapter 51-42 WAC), published by the International Conference of Building Officials.
Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.
Statute Being Implemented: Chapters 19.27 and 34.05 RCW.
Summary: The proposed rules include adoption of amendments to the 1997 Uniform Mechanical Code, includ-

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ing editorial corrections, consistent applications for direct fired equipment, code precedence clarification for ammonia discharge, WAC reference for gas pipelines, and further clarification of which sections of the UMC, Chapter 11 are not adopted.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, P.O. Box 48300, Olympia, WA 98504, (360) 586-2251; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will amend chapter 51-42 WAC. Chapter 51-42 WAC adopts and amends the 1997 Edition of the Uniform Mechanical Code (UMC), published by the International Conference of Building Officials (ICBO). The purpose is to further amend the 1997 UMC to make editorial corrections, amend applications for greater consistency, identify code precedence, reference other potentially required rules, and clarify which sections of UMC Chapter 11 are not adopted. The proposed amendments will provide greater clarity, consistency, and ease of use than the published version for application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, Regulatory Improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. **Need.** This rule is necessary to comply with the requirements of RCW 19.27.074. The council must regularly review updated versions of the Uniform Mechanical Code, published by the International Conference of Building Officials, and amend and adopt as deemed appropriate by the council. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by physically disabled persons. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. **Effectiveness and Efficiency.** The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the cen-

tral administrative agency for state-wide adoption of building codes.

3. **Clarity.** The council revised their filing procedure for state amendments to the national uniform codes. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted. This reformatting change reorganizes and shortens the WACs.

4. **Intent and Statutory Authority.** The proposed rule is consistent with the legislative intent of the statute, chapter 19.27 RCW. The statute gives the council sufficient authority to maintain the state building code, and to amend and adopt new editions of the UMC, published by ICBO. However, the 1997 edition is the last version of the UMC that ICBO plans to publish.

5. **Coordination.** The council rule-making process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the Departments of Social and Health Services, Health, Labor and Industries, and the State Fire Marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. **Cost.** The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. **Fairness.** The state amendments to the Uniform Mechanical Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: 1. **Section 405.1:** This new section makes the rules for direct gas-fired make-up air heaters more consistent with the rules for unvented or direct fired fuel-burning equipment (Section 303.1.1).

2. **Section 1101.6:** This amendment clarifies that the Fire Code takes precedence for ammonia discharge from relief valves.

3. **Section 1103.3:** This change is editorial (deleting a stray letter "V").

4. **Sections 1105.9 and 1105.9.4:** These changes are editorial (entering the calculations into the text document).

5. **Sections 1109 through 1124, and Section 1126:** These new sections clarify that these UMC sections are not adopted in Washington state.

6. **Section 1301:** This new section informs the user that there are potentially other rules (chapter 480-93 WAC) that may apply to gas pipelines and single meter installations serving more than one building.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes

have been evaluated for small business economic impacts. The Economic Regulatory Assessment Committee (ERAC) determined that a small business economic impact statement is not required since the proposed rules do not have an adverse effect or impact on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 15, 2000, at 10:00 a.m.; and at the Radisson Hotel, 17101 International Boulevard, SeaTac, WA, on October 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 1, 2000, TDD (360) 753-2200, or (360) 753-1184.

Submit Written Comments to: Judy Wilson, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by October 13, 2000.

Date of Intended Adoption: November 17, 2000.

August 1, 2000

Judy Wilson

Council Chairman

NEW SECTION

WAC 51-42-0405 Section 405—Direct gas-fired make-up air systems.

405.1 General. Direct gas-fired make-up air heaters shall not be installed for comfort heating in other than Group F, S, or U Occupancies.

EXCEPTION: Direct gas-fired make-up air heaters may be installed in accordance with Section 909.

AMENDATORY SECTION (Amending WSR 98-02-056, filed 1/6/98, effective 7/1/98)

WAC 51-42-1101 General.

1101.1 Scope. This chapter shall govern the design, installation, construction and repair of refrigeration systems that vaporize and liquefy a fluid during the refrigerating cycle. Refrigerant piping design and installation, including pressure vessels and pressure relief devices, shall conform to this code. Permanently installed refrigerant storage systems and other components shall be considered as part of the refrigeration system to which they are attached.

1101.2 Factory-built equipment. Listed and labeled self-contained, factory-built equipment shall be tested in accordance with UL 207, 303, 412, 465, 471 or 1995.

1101.3 Protection. Any portion of a refrigeration system that is subject to physical damage shall be protected in an approved manner.

1101.4 Water connection. Water supply and discharge connections associated with refrigeration systems shall be made in accordance with this code and the plumbing code.

1101.5 Gas connection. Gas fuel devices and equipment used with refrigeration systems shall be installed in accordance with this code.

1101.6 General. Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15-1994. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15-1994 and IIAR 2-1992. Ammonia discharge from relief valves shall be in accordance with the Fire Code.

AMENDATORY SECTION (Amending WSR 98-02-056, filed 1/6/98, effective 7/1/98)

WAC 51-42-1103 Refrigeration system classification.

1103.1 General. For the purposes of applying Tables 1104.1, 1104.2(1), and 1104.2(2), refrigeration systems shall be classified as high-probability or low-probability system based on the potential hazard resulting from a leakage of refrigerant into an occupancy-classified area other than the machinery room.

1103.2 High-probability systems. Direct systems and indirect open-spray systems shall be classified as high-probability systems.

EXCEPTION: An indirect open-spray system shall not be required to be classified as a high-probability system if the pressure of the secondary coolant is at all times (operating and standby) greater than the pressure of the refrigerant.

1103.3 Low-probability((~~W~~)) systems. Double-indirect open-spray systems, indirect closed systems and indirect-vented closed systems shall be classified as low-probability systems, provided that all refrigerant-containing piping and fittings are isolated when the quantities in Table 1104.1 are exceeded.

AMENDATORY SECTION (Amending WSR 98-02-056, filed 1/6/98, effective 7/1/98)

WAC 51-42-1105 Machinery room, general requirements.

1105.1 General. Where required by Table 1104.2(1), a machinery room shall be provided to enclose refrigeration systems located indoors. Access to the machinery room shall be restricted to authorized personnel. For rooms where occupational exposure could occur, see WAC 296-62-07515 and 296-62-3112.

1105.2 Dimensions. A machinery room shall be dimensioned so as to provide clearances required by Chapter 3. There shall be clear head room of not less than 7 feet 3 inches (2210 mm) below equipment located over passageways.

1105.3 Doors. Each machinery room shall have self-closing, weather-stripped doors opening in the direction of egress travel. Doors and door openings shall comply with the requirements of the Building Code.

PROPOSED

1105.4 Openings. Openings to other parts of the building that permit passage of escaping refrigerant to other parts of the building are prohibited. Ducts and air handlers in the machinery room that operate at a lower pressure than the room shall be sealed to prevent any refrigerant leakage from entering the airstream.

EXCEPTIONS:

1. Egress doors serving the machinery room.
2. Access doors and panels in air ducts and air-handling units, provided that such openings are gasketed and tight fitting.

1105.5 Refrigerant vapor detector. Machinery rooms shall contain a refrigerant vapor detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant vapor from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in Table 1104.1. Detectors and alarms shall be placed in approved locations. Detection and alarm systems shall be powered and supervised, monitored and annunciated, and installed and maintained as required by Section 6313 of the Fire Code.

EXCEPTION: Detectors are not required for ammonia systems complying with Section 1106.8.

1105.6 Tests. Periodic tests of the detector, alarm and mechanical ventilating system shall be performed in accordance with manufacturer's specifications and as required by the code official.

1105.7 Fuel-burning equipment. Open flames that use combustion air from the machinery room shall not be installed in a machinery room.

EXCEPTIONS:

1. Matches, lighters, halide leak detectors and similar devices.
2. Where the refrigerant is carbon dioxide or water.
3. Fuel-burning equipment shall not be prohibited in the same machinery room with refrigerant-containing equipment where combustion air is ducted from outside the machinery room and sealed in such a manner as to prevent any refrigerant leakage from entering the combustion chamber, or where a refrigerant vapor detector is employed to automatically shut off the combustion process in the event of refrigerant leakage.

1105.8 Sign. A sign shall be posted on the machinery room door prohibiting access of unauthorized personnel.

1105.9 Ventilation. Machinery rooms shall be mechanically ventilated to the outdoors. Mechanical ventilation shall be capable of exhausting the minimum quantity of air both at the normal operating and emergency conditions. Multiple fans or multispeed fans shall be allowed in order to produce the emergency ventilation rate and to obtain a reduced airflow for normal ventilation. Fans providing refrigeration machinery room temperature control or automatic response to refrigerant vapor are allowed to be automatically controlled to provide intermittent ventilation as conditions require.

EXCEPTION: Where a refrigerating system is located outdoors more than 20 feet (6096 mm) from any building opening and is enclosed by a penthouse, lean-to or other open structure, natural or mechanical ventilation shall be provided. Location of the openings shall be based on the relative density of the refrigerant to air. The free-

aperture cross section for the ventilation of the machinery room shall be not less than:

$$((Q = 100 \times \sqrt{G}))$$

For SI: $Q = 0.07 \times \sqrt{G}$

$$F = \sqrt{G}$$

For SI: $F = 0.138 \sqrt{G}$

where:

$F =$ The free opening area in square feet (m²).

$G =$ The mass of refrigerant in pounds (kg) in the largest system, any part of which is located in the machinery room.

1105.9.1 Discharge location. The discharge of the air shall be to the outdoors in accordance with Chapter 5. Exhaust from mechanical ventilation systems shall be discharged not less than 20 feet (6096 mm) from a property line or openings into buildings.

1105.9.2 Supply air. Provisions shall be made for supply air to replace that being exhausted. Openings for supply air shall be located to avoid intake of exhaust air. Air supply and exhaust ducts to the machinery room shall serve no other area, shall be constructed in accordance with Chapter 5 and shall be covered with corrosion-resistant screen of not less than 1/4 inch (6.4 mm) mesh. The supply air shall be taken from directly outside the building. Intakes shall be fitted with backdraft dampers or similar approved flow control means to prevent reverse flow.

1105.9.3 Quantity—normal ventilation. During occupied conditions the mechanical ventilation system shall exhaust the larger of the following:

1. Not less than 0.5 cfm per square foot (0.0025 m³/s • m²) of machinery room area or 20 cfm (0.009 m³/s) per person; or
2. A volume required to maintain a maximum temperature rise of 18°F (-7.8°C) based on all of the heat-producing machinery in the room.

1105.9.4 Quantity—emergency conditions. Upon actuation of the refrigerant detector required in Section 1105.5, the mechanical ventilation system shall exhaust air from the machinery room in the following quantity:

$$((F = \sqrt{G}))$$

For SI: $F = 0.138 \sqrt{G}$

$$Q = 100 \times \sqrt{G}$$

For SI: $Q = 0.07 \times \sqrt{G}$

where:

$Q =$ The airflow in cubic feet per minute (m³/s).

PROPOSED

G = The design mass of refrigerant in pounds (kg) in the largest system, any part of which is located in the machinery room.

1105.10 Termination of relief devices. In the equipment room, pressure relief devices, fusible plugs and purge systems shall terminate outside of the structure at a location not less than 15 feet (4572 mm) above the adjoining grade level and not less than 20 feet (6096 mm) from any window, ventilation opening or exit.

NEW SECTION

WAC 51-42-1109 Refrigerant piping, containers and valves. This section is not adopted.

NEW SECTION

WAC 51-42-1110 Erection of refrigerant piping. This section is not adopted.

NEW SECTION

WAC 51-42-1111 Refrigerant control valves. This section is not adopted.

NEW SECTION

WAC 51-42-1112 Pressure-limiting devices. This section is not adopted.

NEW SECTION

WAC 51-42-1113 Pressure-relief devices. This section is not adopted.

NEW SECTION

WAC 51-42-1114 Pressure-relief device settings. This section is not adopted.

NEW SECTION

WAC 51-42-1115 Marking of pressure-relief devices. This section is not adopted.

NEW SECTION

WAC 51-42-1116 Over-pressure protection. This section is not adopted.

NEW SECTION

WAC 51-42-1117 Discharge piping. This section is not adopted.

NEW SECTION

WAC 51-42-1118 Special discharge requirements. This section is not adopted.

NEW SECTION

WAC 51-42-1119 Ammonia discharge. This section is not adopted.

NEW SECTION

WAC 51-42-1120 Detection and alarm systems. This section is not adopted.

NEW SECTION

WAC 51-42-1121 Equipment identification. This section is not adopted.

NEW SECTION

WAC 51-42-1122 Testing of refrigeration equipment. This section is not adopted.

NEW SECTION

WAC 51-42-1123 Maintenance and operation. This section is not adopted.

NEW SECTION

WAC 51-42-1124 Storage of refrigerants and refrigerant oils. This section is not adopted.

NEW SECTION

WAC 51-42-1126 Tables not adopted.

Table 11-A - Refrigerant groups, properties and allowable quantities. This table is not adopted.

Table 11-B - Permissible refrigeration systems and refrigerants. This table is not adopted.

Table 11-C - Value of f (f) for equation 11-7. This table is not adopted.

Table 11-D - Field leak test pressures in psig. This table is not adopted.

Table 11-E - Condensate waste size. This table is not adopted.

NEW SECTION

WAC 51-42-1301 Section 1301—General.

1301.2 Other authorities. In addition to the Uniform Mechanical Code, provisions of chapter 480-93 WAC regarding gas pipeline safety may also apply to single meter installations serving more than one building. The provisions of chapter 480-93 WAC are enforced by the Washington Utilities and Transportation Commission.

PROPOSED

WSR 00-16-131
PROPOSED RULES
BUILDING CODE COUNCIL

[Filed August 2, 2000, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-017.

Title of Rule: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Purpose: To consider whether to amend the 1997 Edition of the Washington State Energy Code (chapter 51-11 WAC).

Statutory Authority for Adoption: RCW 19.27A.025 and 19.27A.045.

Statute Being Implemented: Chapters 19.27, 19.27A, and 34.05 RCW.

Summary: The proposed rules include adoption of amendments to the 1997 Washington State Energy Code, including editorial corrections, clarifications, corrections, consolidation of auxiliary chapters (2/12, 7/17, and 10/20), and amendments to specific requirements (see below for itemized list of proposed changes).

Reasons Supporting Proposal: RCW 19.27A.025 and 19.27A.045.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, P.O. Box 48300, Olympia, WA 98504, (360) 586-2251; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amends chapter 51-11 WAC, Washington State Energy Code. The purpose is to amend the 1997 Washington State Energy Code, including editorial corrections, clarifications, corrections, consolidation of auxiliary chapters (2/12, 7/17, and 10/20), and amendments to specific requirements. The proposed amendments will provide greater clarity, consistency, and ease of use than the published version for application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, regulatory improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. Need. This rule is authorized by RCW 19.27A.025 and 19.27A.045. The council regularly reviews state-wide amendment proposals to the Washington State Energy Code, and adopts the amendments as deemed appropriate. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regula-

tions; and to provide standards to make buildings accessible to and usable by persons with physical disabilities. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. Effectiveness and Efficiency. The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for state-wide adoption of building codes.

3. Clarity. The council revised their filing procedure for state amendments to the national uniform codes. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted. This reformatting change reorganizes and shortens the WACs.

4. Intent and Statutory Authority. The proposed rule is consistent with the legislative intent of the statute chapters 19.27 and 19.27A RCW. These statute give the council sufficient authority to maintain the state building code, and to adopt amendments to the Washington State Energy Code.

5. Coordination. The council rule-making process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the Departments of Social and Health Services, Health, Labor and Industries, and the State Fire Marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. Cost. The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. Fairness. The state amendments to the Washington State Energy Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: RESIDENTIAL

1. Section 101.3.2.1: This proposed amendment clarifies the requirements for additions to existing buildings. The term "heat loss" is changed to the more specific term "Target UA." Also, language is added to explain that removed elements are not supposed to be represented in the calculation.

2. Section 101.3.2.8: This proposed amendment requires compliance with the lighting regulations in Section 1132.3 for the communal areas in multi-family occupancies.

3. Chapters 2/12, 7/17, and 10/20: This proposed amendment consolidates the auxiliary chapters Definitions

PROPOSED

(2/12), Standards (7/17) and Defaults (10/20). This effort will simplify the code by shortening it and providing one place to find the needed information. The most accurate and up to date information is used and applied to both residential and nonresidential, where ever possible. This approach will reduce duplicative and conflicting regulations. Where needed, the specific residential or nonresidential information is identified.

4. Sections 502.1.1 and Table 10-5A (two options): Both options of this proposed amendment provide R-values for air cavities by adding a new row to the table. Option 1 deletes the table from Section 502.1.1 and replaces it with a reference to Table 10-5A. Option 2 maintains the location of the table in Section 502.1.1. However, the table is repeated in Table 10-5A.

5. Section 502.1.4.6: This proposed amendment is editorial. The added word "framed" specifies that the requirement applies to framed structures.

6. Section 502.1.5.1, exception 3: This proposed amendment adds a new exception that allows compliance to be based on the NFRC nonresidential model size provided the average glazing product size meets or exceeds it and a glazing schedule and calculation are provided.

7. Section 503.1, exception: This proposed amendment deletes the exception since it is not applicable to Group R occupancies.

8. Section 503.2.2 (2): This proposed amendment amends the natural gas-fired or oil-fired space heating and space cooling system sizing limits. Equipment 40,000 Btu/h or less is exempt from the sizing limit since equipment is generally not manufactured this small. Larger equipment may be oversized (greater than 200%) if it is 90% efficient. The graduated threshold calculation has been simplified to 90%.

9. Section 503.7, 1423, and 1433: This proposed amendment deletes the present residential economizer requirements and refers to the nonresidential requirements. The change in the nonresidential sections 1423 and 1433 specifies that the equipment serving a Group R occupancy is not included in determining the total capacity of all units without economizer in a building.

10. Section 503.10.2: This proposed amendment revises the sealing requirements for ducts. The new language lists the acceptable means of sealing, discloses the testing standards required, specifies that duct tape is not permitted, and exempts ducts and air distribution cavities that are located entirely within conditioned space.

11. Section 503.10.4: This proposed amendment is a new section referencing Table 5-11 for duct insulation requirements.

12. Section 503.11: This proposed amendment simplifies the section by referring to Table 5-12 for pipe insulation requirements. Exceptions are piping installed within unitary HVAC equipment and cold water pipes outside the conditioned space.

13. Section 504.5.2: This proposed amendment adds a new requirement for an R-12 pool cover for pools heated to more than 90°F.

14. Section 504.7: This proposed amendment amends this section for consistency and references Section 503.11.

15. Section 505, 605, and Table 15-1: This proposed amendment is new sections (component performance and prescriptive) requiring residential lighting compliance for hotel/motel guest rooms and common areas in Group R-1, as cited in Table 15-1.

16. Tables 5-1, 6-2, 6-4, and 6-6: This proposed amendment reduces the window U-factor requirement for homes heated with other fuels from anything above 0.50 to 0.50. Corresponding U-factor requirements in other paths are adjusted accordingly. This change resulted in a number of superfluous paths and footnotes so they are deleted and the prescriptive tables are ultimately simplified.

17. Section 601.1 and note to Tables 6-1, 6-2, 6-3, and 6-4: This proposed amendment clarifies that prescriptive packages are for wood framed assemblies. Metal frame assemblies must demonstrate compliance with either the component performance or the systems analysis approach. The exception given is an assembly (regardless of framing) with continuous insulation uninterrupted by framing.

18. Section 602.5: This proposed amendment specifies the edge of slab insulation requirements when the floor insulation is installed below a concrete slab. The edge of slab shall either meet the exterior wall insulation requirements in a prescriptive approach or compliance must be shown through component performance or system analysis.

19. Tables 6-2, 6-4, and 6-6: This proposed amendment deletes the HVAC Equipment Efficiency requirements including both the column and footnote. The delineation of "Low," "Med," and "High" have been outdated by typical practice and equipment technology. These requirements are no longer needed and so this change simplifies the code requirements.

20. Tables 10-6C and 10-6D: This proposed amendment deletes the existing door default tables and replaces them with updated information from the *1997 ASHRAE Handbook of Fundamentals*, Chapter 29, Table 7.

NONRESIDENTIAL

21. Section 1132.3: This proposed amendment clarifies the existing requirements by defining what "60% of the fixtures" means. This change will increase the code's ease of use.

22. Section 1312.1, new exception: This proposed amendment is a new exception allowing field glazed site built fenestration systems to comply with the U-factor requirement with a simulation alone.

23. Section 1313.2: This proposed amendment adds a cross reference for enclosed attics and enclosed rafter spaces to the UBC Section 1505.3, Attic ventilation. This proposed amendment also clarifies that roof/ceiling assemblies without a vented airspace are only allowed when both the structure and deck are not wood.

24. Section 1322 and note to Tables 13-1 and 13-2: This proposed amendment specifies the compliance approach required for metal frame assemblies, adds a note for clarity to the tables and deletes footnote 3.

25. **Section 1323, exception 1:** This proposed amendment clarifies the glazing is the "display side" of the street level story, adds the maximum threshold of low-e 0.40 or an area weighted U-factor of 0.60 or less, and explains how to proceed if the designed glazing exceeds 20 feet in height. These clarifications and additions will allow greater design flexibility by allowing calculations and trade-offs so that this exception can be utilized in more situations.

26. **Section 1331:** This proposed amendment deletes reference to RS-9, or later and inserts "ASHRAE/IESNA Standard 90.1-1989."

27. **Section 1411.1:** This proposed amendment requires equipment efficiency ratings to be listed in the certification program, if a certification program exists for the product.

28. **Section 1412.4.1:** This proposed amendment adds the word "motorized" to the damper requirement. It further requires stair and elevator shaft vents equipped with motorized dampers capable of automatically closing during normal building operation and interlocked to open as required by the fire and smoke detection system. This section is also amended with a new exception for gravity dampers, in buildings less than 40 feet.

29. **Section 1412.4.2:** This proposed amendment is a new section requiring optimum start controls for systems exceeding 10,000 cfm design supply air capacities.

30. **Section 1412.8 (RS-29 Section 3.6.5):** This proposed amendment is a new section requiring enclosed parking garage ventilation controls for garage ventilation fan systems. (The change to RS 29 Section 3.6.5 is editorial for consistency with the main change.)

31. **Section 1414.2:** This proposed amendment allows a minimum R-7 insulation for outside air ducts serving individual supply air units with less than 2,800 cfm of total supply air capacity and does not consider them part of the building envelope.

32. **Section 1414.2, exception 3 (two options):** This proposed amendment changes the word "space" to "zone." Option 1 excepts exposed ductwork within a zone as long as it serves that zone (and it may serve others also). Option 2 excepts exposed ductwork within a zone only if it serves that zone exclusively.

33. **Section 1415.1:** This proposed amendment specifies that the water pipes that shall be insulated in accordance with the plumbing code are "cold" water pipes.

34. **Section 1416 (Figure 14A and RS 29 Section 2.1):** This proposed amendment is a new section requiring completion requirements including drawings, manuals, system balancing and systems commissioning. (The changes to Figure 14A and RS 29 Section 2.1 are editorial for consistency with the main change.)

35. **Section 1433 and 1401:** This proposed amendment makes clarifications to the existing exceptions, adds four additional comprehensive exceptions, and deletes the exception to Section 1401. These proposed changes provide for new technology, give more specific guidance for designed systems, and remove vague language that could result in obsolete and inefficient systems that increase costs for no appreciable gains.

36. **Section 1435:** This proposed amendment deletes the portion that references the VIAQ, adds "reheat for humidity control" to the list of prohibitions, and revises the exceptions so they are more comprehensive and also more in line with the ASHRAE language.

37. **Section 1438 (two options):** This proposed amendment adds system design criteria with performance based thresholds as an alternative compliance choice to the already allowed variable frequency drives. Option 1 amends, but maintains a list of prohibited devices. Option 2 does not.

38. **Section 1439:** This proposed amendment is a new section providing requirements for exhaust hoods. The language is from *ASHRAE/IESNA Standard 90.1-1999*, Section 6.3.7.

39. **Section 1443:** This proposed amendment is a new section referencing Section 1415.1.

40. **Section Tables 14-1, 14-2, and 14-3:** This proposed amendment revises the standard rating conditions and minimum performance for mechanical equipment to the national standards, *ASHRAE/IESNA Standard 90.1-1999*.

41. **Section 1512.1:** This proposed amendment adds house of worship sanctuaries to the list of exempt spaces.

42. **Section 1513:** This proposed amendment adds language to reference sections required for specific devices.

43. **Section 1513.3:** This proposed amendment clarifies daylight zones and explains when contiguous daylight zones can and cannot be controlled by a single switch. This change also proposes a new exception that allows fewer switches for enclosed daylight spaces with two or fewer fixtures.

44. **Section 1513.6:** This proposed amendment reduces the office building square footage threshold from 25,000 to 5,000. This change will require more office buildings to install interior automatic shut-off controls.

45. **Section 1513.7:** This proposed amendment is a new section requiring commissioning requirements for lighting controls, components, equipment, and systems.

46. **Section 1521:** This proposed amendment revises the prescriptive interior lighting requirements. This change reformats the section, making it easier to read. It adds more lamp types, increasing the design flexibility. It also further defines "electronic ballasts," clarifying the requirements. Finally, it adds two new exceptions which provide more allowance for food prep/serving areas, patient care areas, and exit lights.

47. **Section 1530:** This proposed amendment specifies when exit lights shall be and shall not be included in the lighting power allowance calculation.

48. **Section 1531:** This proposed amendment makes small language changes to clarify the requirements.

49. **Section 1532:** This proposed amendment specifies "outdoor areas" are those areas "that are illuminated," changes Group "M" to "U" and Group "R" to "R-3," and adds a new exception for covered parking increasing the w/sf allowance if the walls and ceilings have a reflectance value of 0.70 or higher.

50. **Section Table 15-1:** This proposed amendment clarifies that school building use is Group E occupancy only and

revises footnote #1 to explain that a specific use takes precedence over a general use if both are listed.

51. **Section Table 15-1:** This proposed amendment removes the distinction of Retail A and Retail B. This change proposes one category of retail at 1.5 w/sf. It also revises footnote #10 to give further specific allowances.

52. **Section Table 15-1:** This proposed amendment makes a distinction between regular lobbies and main floor lobbies and increases the lighting power allowance for main floor lobbies from 0.80 w/sf to 1.20 w/sf. Common areas, corridors, toilet facilities, washrooms, and elevator lobbies remain at 0.80 w/sf.

53. **RS-29 Sections 2.4 and 4:** This proposed amendment deletes the list of programs only acceptable for commercial buildings 25,000 sf and less and the exception to Section 2.4 that allows them.

54. **RS-29 Section 3.4.4:** This proposed amendment is editorial, changing terms for more accuracy.

55. **RS-29 Section 3.5:** This proposed amendment is editorial, changing a referenced title to the RS citing.

56. **RS-29 Section 4:** This proposed amendment updates the list of programs that are suggested software for the systems analysis approach.

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

Small Business Economic Impact Statement

The State Building Code Council is proposing to adopt amendments to chapter 51-11 WAC, the Washington State Energy Code. The council appoints Technical Advisory Groups (TAGs) to conduct a comprehensive review of proposed code amendments. The participants on the Energy Code TAG represent architects, mechanical engineers, illumination engineers, building officials, commercial contractors, manufacturers, model code organizations, homebuilders, utilities, mechanical contractors, state agencies, educators and the general public. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC by-laws.

Proposed amendments to the following sections have been identified by the Energy Code TAG and the Economic and Regulatory Assessment Committee as having a cost impact on businesses required to comply with the rule. According to the definition established by the Economic Committee, these rules would not impose more than a minor cost on businesses required to comply. A cost less than 1/4 of 1% of the total construction cost is considered to be minor.

Chapter 51-11 WAC, Tables 5-1, 6-2, 6-4, 6-6. For Group R (residential) construction, the proposed rule adds vertical glazing (window) U-factor improvements and simplifies the prescriptive path. Homebuilders required to comply with this rule would have less flexibility in the design of homes using gas heat or heat pumps. Current estimates show 18% of homes in this category use tradeoffs to reduce wall insulation. Baseline window U-values would prohibit use of aluminum framed windows under prescriptive compliance. Purchase of windows in compliance with baseline U-factor is standard practice and does not add cost. Manufacturers of

window products would be impacted minimally, with already limited demand for aluminum framed windows.

WAC 51-11-0505 Lighting. Requires master light switches and power allowance for hotel and motel guest rooms.

WAC 51-11-1416 Completion requirements. Requires testing of mechanical and lighting systems prior to occupancy of commercial buildings.

WAC 51-11-1439 Exhaust hoods. Requires unconditioned make-up air for commercial kitchen exhaust hoods.

WAC 51-11-1513 Automatic shut-off controls for lighting. Expands the scope of the automatic shut-off requirement for lighting: Requirement would apply to office buildings 5,000 square feet in area and greater. Current requirement applies to office buildings 25,000 square feet and greater.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-0486, fax (360) 586-5880.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 15, 2000, at 10:00 a.m.; and at the Radisson Hotel, 17101 International Boulevard, SeaTac, WA, on October 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 1, 2000, TDD (360) 753-2200, or (360) 753-1184.

Submit Written Comments to: Judy Wilson, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by October 13, 2000.

Date of Intended Adoption: November 17, 2000.

August 1, 2000

Judy Wilson
Council Chairman

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0201 ((General definitions.)) Scope. The following definitions shall apply to chapters 1 through 20.

201.1 Application of Terms: For the purposes of this Code, certain abbreviations, terms, phrases, words and their derivatives, shall be as set forth in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. In the event there is a question about the definition of a term, the definitions for terms in the codes enumerated in RCW 19.27.031 and the edition of Webster's dictionary referenced therein shall be considered as the sources for providing ordinarily accepted meanings.

Addition: See the Washington State Building Code.

Advanced framed ceiling: Advanced framing assumes full and even depth of insulation extending to the outside edge of exterior walls. (See Standard Framing and Section 1007.2 of this Code.)

Advanced framed walls: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall. (See Standard Framing and Section 1005.2 of this Code.)

AFUE. Annual fuel utilization efficiency: Unlike steady state conditions, this rating is based on average usage including on and off cycling as set out in the standardized Department of Energy Test Procedures.

Air conditioning, comfort: The process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet requirements of the conditioned space.

ARI: Air-Conditioning and Refrigeration Institute.

ASHRAE: American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc.

ASTM: American Society for Testing and Materials

Automatic: Self-acting, operating by its own mechanism when actuated by some impersonal influence, as for example, a change in current strength, pressure, temperature or mechanical configuration. (See **Manual**.)

Below grade walls: Walls or the portion of walls which are entirely below the finish grade or which extend two feet or less above the finish grade.

~~(**Building, existing:** See the Washington State Building Code.)~~

Boiler capacity: The rate of heat output in Btu/h measured at the boiler outlet, at the design inlet and outlet conditions and rated fuel/energy input.

Building envelope: For Group R occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior or to or from spaces exempted by the provisions of Section 101.3.1. For other than Group R occupancy, the elements of a building which enclose conditioned spaces through which thermal energy may be transferred to or from the exterior, or to or from unconditioned spaces, or to or from semi-heated spaces, or to or from spaces exempted by the provisions of Section 1301.

~~**Building, existing:** See the Washington State Building Code.~~

Building official: The official authorized to act in behalf of a jurisdiction code enforcement agency or its authorized representative.

Building project: A building or group of buildings, including on-site energy conversion or electric-generating facilities, which utilize a single submittal for a construction permit or are within the boundary of a contiguous area under one ownership.

~~(**Comfort envelope:** The area on a psychrometric chart enclosing all those conditions described in Standard RS-4, Figure No. 1, as being comfortable.)~~

Conditioned floor area: (See Gross conditioned floor area.)

~~**Conditioned space:** ((All spaces which are provided with heated and/or cooled air or which are capable of being maintained at temperatures over fifty degrees F during the heating season, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors).) A cooled space, heated space (fully heated), heated space (semi-heated) or indirectly conditioned space.~~

~~**Cooled space:** ((Space within a building which is provided with a positive cooling supply.) An enclosed space within a building that is cooled by a cooling system whose sensible capacity~~

~~a. exceeds 5 Btu/(h • ft²), or~~

~~b. is capable of maintaining space dry bulb temperature of 90°F or less at design cooling conditions.~~

COP - Coefficient of performance: The ratio of the rate of net heat output (heating mode) or heat removal (cooling mode) to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions. (See Net Heat Output, Net Heat Removal, Total On-Site Energy Input.)

Daylighted zone:

a. Under overhead glazing: the area under overhead glazing whose horizontal dimension, in each direction, is equal to the overhead glazing dimension in that direction plus either the floor to ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

b. At vertical glazing: the area adjacent to vertical glazing which receives daylighting from the glazing. For purposes of this definition and unless more detailed daylighting analysis is provided, the daylighting zone depth is assumed to extend into the space a distance of 15 feet or to the nearest ceiling height opaque partition, whichever is less. The daylighting zone width is assumed to be the width of the window plus either two feet on each side (the distance to an opaque partition) or one-half the distance to adjacent overhead or vertical glazing, whichever is least.

Daylight sensing control (DS): A device that automatically regulates the power input to electric lighting near the glazing to maintain the desired workplace illumination, thus taking advantage of direct or indirect sunlight.

Deadband: The temperature range in which no heating or cooling is used.

~~(**Degree day, heating:** A unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter. For any one day when the mean temperature is less than sixty-five degrees F there exist as many degree days as there are Fahrenheit degrees difference in temperature between the mean temperature for the day and sixty-five degrees F.)~~

Design cooling conditions: The cooling outdoor design temperature from the 0.5% column for summer from the Puget Sound Chapter of ASHRAE publication "Recommended Outdoor Design Temperatures, Washington State, ASHRAE."

Design heating conditions: The heating outdoor design temperature from the 0.6% column for winter from the Puget Sound Chapter of ASHRAE publication "Recommended

Outdoor Design Temperatures, Washington State, ASHRAE."

Door: ((An operable opening area in the shell of a conditioned space, excluding sliding glass doors, which is designed and used as a means of ingress and egress. A door may also include a double door one of which is fixed and one of which is operable.)) All operable opening areas, which are not glazing, in the building envelope including swinging and roll-up doors, fire doors, smoke vents and access hatches.

Door area: Total area of door measured using the rough opening and including the door and frame.

Dwelling unit: See the Washington State Building Code.

EER. Energy efficiency ratio: The ratio of net equipment cooling capacity in Btu/h to total rate of electric input in watts under designated operating conditions.

Economizer, air: A ducting arrangement and automatic control system that allows a cooling supply fan system to supply outside air to reduce or eliminate the need for mechanical refrigeration during mild or cold weather.

Economizer, water: A system by which the supply air of a cooling system is cooled directly, indirectly or both, by evaporation of water or by other appropriate fluid in order to reduce or eliminate the need for mechanical refrigeration.

Efficiency, HVAC system: The ratio of useful energy (at the point of use) to the energy input for a designated time period, expressed in percent.

Emissivity: The ability to absorb infrared radiation. A low emissivity implies a higher reflectance of infrared radiation.

Energy: The capacity for doing work; taking a number of forms which may be transformed from one into another, such as thermal (heat), mechanical (work), electrical and chemical; in customary units, measured in kilowatt-hours (kWh) or British thermal units (Btu). (See **New energy**.)

Energy, recovered: (See **Recovered energy**.)

Exterior envelope: (See **Building envelope**.)

Facade area: Vertical projected area including nonhorizontal roof area, overhangs, cornices, etc. measured in elevation in a vertical plane parallel to the plane of the building face.

Floor over unconditioned space: A floor which separates a conditioned space from an unconditioned space which is buffered from exterior ambient conditions including vented crawl spaces and unconditioned basements or other similar spaces, or exposed to exterior ambient conditions including open parking garages and enclosed garages which are mechanically ventilated.

F-Factor: The perimeter heat loss factor expressed in Btu/hr • ft • °F.

F-Value: (See F-Factor.)

Garden window: A multi-sided glazing product that projects beyond the plane of the wall.

Glazed wall system: A category of site assembled fenestration products used in the NFRC 100 and NFRC 200 rating procedures that include curtainwalls.

Glazing: All areas, including the frames, in the shell of a conditioned space that let in natural light including win-

dows, clerestories, skylights, sliding or swinging glass doors and glass block walls. ((The daylight opening area in all other doors shall be considered glazing for the purpose of calculating glazing area. The daylight opening area in all other doors is included in the door U-factor and shall not be considered in calculations of glazing U-factors.))

Glazing area: Total area of the glazing measured using the rough opening, and including the glazing, sash, and frame. ((For sliding glass doors the glazing area is the rough opening area. For all other doors the glazing area is the daylight opening area.)) For doors where the daylight opening area is less than 50% of the door area, the glazing area is the daylighting area. For all other doors, the glazing area is the door area.

Gross conditioned floor area: The horizontal projection of that portion of interior space which is contained within exterior walls and which is conditioned directly or indirectly by an energy-using system, and which has an average height of five feet or greater, measured from the exterior faces.

Gross exterior wall area: The normal projection of the building envelope wall area bounding interior space which is conditioned by an energy-using system and which separates conditioned space from: Unconditioned space, or semi-heated space, or exterior ambient conditions or earth; includes opaque wall, ((window)) vertical glazing and door areas. The gross area of walls consists of all opaque wall areas, including foundation walls, between floor spandrels, peripheral edges of floors, ((window)) vertical glazing areas ((including sash,)) and door areas, where such surfaces are exposed to exterior ambient conditions and enclose a conditioned space including interstitial areas between two such spaces. (See **Below grade wall**.)

Gross floor area: The sum of the areas of the several floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the center line of walls separating buildings, but excluding: Covered walkways, open roofed-over areas, porches and similar spaces. Pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

Gross roof/ceiling area: ((The sum of the areas of the roof/ceiling assembly, consisting of the total interior surface area of all elements, including skylights, which enclose a conditioned space.)) A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed to exterior ambient conditions and encloses a conditioned space. The assembly does not include those components that are separated from a heated and/or cooled space by a vented airspace. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including overhead glazing.

Guest room: See the Washington State Building Code.

Heat: The form of energy that is transferred by virtue of a temperature difference.

Heat storage capacity: The physical property of materials (mass) located inside the building envelope to absorb, store, and release heat.

Heated space (Fully heated): ~~((Space within a building which is provided with a positive heating supply. Finished living space within a basement or registers or heating devices designed to supply heat to a basement space shall automatically define that space as heated space. (See Positive Heating Supply.))~~ An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system whose output capacity is

a. Capable of maintaining a space dry-bulb temperature of 45°F or greater at design heating conditions; or

b. 8 Btu/(h • ft²) or greater in Climate Zone 1 and 12 Btu/(h • ft²) or greater in Climate Zone 2.

Heated space (Semi-heated): An enclosed space within a building, including adjacent connected spaces separated by an uninsulated component (e.g., basements, utility rooms, garages, corridors), which is heated by a heating system

a. whose output capacity is 3 Btu/(h • ft²) or greater in Climate Zone 1 and 5 Btu/(h • ft²) or greater in Climate Zone 2; and

b. is not a Heated Space (Fully Heated).

HSPF. Heating season performance factor: The total heating output (in Btu) of a heat pump during its normal annual usage period for heating divided by the total (watt hour) electric power input during the same period, as determined by test procedures consistent with the U.S. Department of Energy "Test Procedure for Central Air Conditioners, Including Heat Pumps" published in ~~((the December 27, 1979, Federal Register, Vol 44, No. 24, IOCFR. 430))~~ Standard RS-30. When specified in Btu per watt hour an HSPF of 6.826 is equivalent to a COP of 2.0.

Humidistat: A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

HVAC: Heating, ventilating and air conditioning.

HVAC system components: HVAC system components provide, in one or more factory-assembled packages, means for chilling and/or heating water with controlled temperature for delivery to terminal units serving the conditioned spaces of the buildings. Types of HVAC system components include, but are not limited to, water chiller packages, reciprocating condensing units and water source (hydronic) heat pumps. (See HVAC system equipment.)

HVAC system efficiency: (See Efficiency, HVAC system.)

HVAC system equipment: HVAC system equipment provides, in one (single package) or more (split system) factory-assembled packages, means for air circulation, air cleaning, air cooling with controlled temperature and dehumidification; and optionally, either alone or in combination with a heating plant, the functions of heating and humidifying. The cooling function may be either electrically or heat operated and the refrigerant condenser may be air, water or evaporatively cooled. Where the equipment is provided in more than one package, the separate packages shall be designed by the manufacturer to be used together. The equipment may provide the heating function as a heat pump or by the use of electric elements. (The word "equipment" used without modify-

ing adjective may, in accordance with common industry usage, apply either to HVAC system equipment or HVAC system components.)

~~((**Illumination:** The density of the luminous flux incident on a surface; it is the quotient of the luminous flux by the area of the surface when the latter is uniformly illuminated.))~~

Indirectly conditioned space: An enclosed space within a building that is not a heated or cooled space, whose area weighted heat transfer coefficient to heated or cooled spaces exceeds that to the outdoors or to unconditioned spaces; or through which air from heated or cooled spaces is transferred at a rate exceeding three air changes per hour. Enclosed corridors between conditioned spaces shall be considered as indirectly conditioned space. (See Heated Space, Cooled Space and Unconditioned Space.)

Infiltration: The uncontrolled inward air leakage through cracks and interstices in any building element and around windows and doors of a building caused by the pressure effects of wind and/or the effect of differences in the indoor and outdoor air density.

Insulation baffle: A rigid material, resistant to wind driven moisture, the purpose of which is to allow air to flow freely into the attic or crawl space and to prevent insulation from blocking the ventilation of these spaces, or the loss of insulation. Example materials for this purpose are sheet metal, or wax impregnated cardboard.

Insulation position:

a. **Exterior Insulation Position:** a wall having all or nearly all of its mass exposed to the room air with the insulation on the exterior of the mass.

b. **Integral Insulation Position:** a wall having mass exposed to both room and outside air, with substantially equal amounts of mass on the inside and outside of the insulation layer.

c. **Interior Insulation Position:** a wall not meeting either of the above definitions; particularly a wall having most of its mass external to the insulation layer.

IPLV—Integrated part-load value: A single number figure of merit based on part-load EER or COP expressing part-load efficiency for air conditioning and heat pump equipment on the basis of weighted operation at various load capacities for the equipment as specified in the Air-Conditioning and Refrigeration Institute (ARI) and Cooling Tower Institute (CTI) procedures.

Luminaire: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the electric power supply.

Manual: Capable of being operated by personal intervention. (See Automatic.)

Microcell: A wireless communication facility consisting of an antenna that is either: (a) Four (4) feet in height and with an area of not more than 580 square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length; and the associated equipment cabinet that is six (6) feet or less in height and no more than 48 square feet in floor area.

NEPA: National Fire Protection Association.

Net heat output: The change in the total heat content of the air entering and leaving the equipment (not including supplementary heat and heat from boilers).

Net heat removal: The total difference in heat content of the air entering and leaving the equipment (without heat) or the difference in total heat content of the water or refrigerant entering and leaving the component.

New energy: Energy, other than recovered energy, utilized for the purpose of heating or cooling. (See **energy**.)

Nominal R-value: The thermal resistance of insulation as specified by the manufacturer according to recognized trade and engineering standards.

Nonrenewable energy sources: All energy sources that are not renewable energy sources including natural gas, oil, coal, wood, liquified petroleum gas, steam, and any utility-supplied electricity.

Nonresidential: All buildings and spaces in the Uniform Building Code (UBC) occupancies other than Group R.

Occupancy: See the Washington State Building Code.

Opaque envelope areas: All exposed areas of a building envelope which enclose conditioned space, except openings for ((windows, skylights;)) doors, glazing and building service systems.

Open blown: Loose fill insulation pneumatically installed in an unconfined attic space.

Outdoor air (outside air): Air taken from the outdoors and, therefore, not previously circulated through ((the system)) a building.

Packaged terminal air conditioner: A factory-selected combination of heating and cooling components, assemblies or sections intended to serve a room or zone. (For the complete technical definition, see Standard RS-10.)

~~((**Packaged terminal heat pump:** A factory-selected combination of heating and cooling components, assemblies or sections intended for application in an individual room or zone. (For the complete technical definition, see Standard RS-21.))~~

Permeance (perm): The ability of a material of specified thickness to transmit moisture in terms of amount of moisture transmitted per unit time for a specified area and differential pressure (grains per hour • ft² • inches of HG). Permeance may be measured using ASTM E-96-72 or other approved dry cup method as specified in ((RS-1)) RS-27.

Personal wireless service facility: A Wireless Communication Facility (WCF), including a microcell, which is a facility for the transmission and/or reception of radio frequency signals and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and/or transmission devices or antennas.

Pool cover: A vapor-retardant cover which lies on or at the surface of the pool.

~~((**Positive cooling supply:** Mechanical cooling deliberately supplied to a space, such as through a supply register. Also, mechanical cooling indirectly supplied to a space through uninsulated surfaces of space cooling components, such as evaporator coil cases and cooling distribution systems which are capable of maintaining air temperatures~~

~~within the space of eighty five degrees F, or lower, at the exterior design conditions specified in Section 302.1. To be considered exempt from inclusion in this definition, such surfaces shall comply with the insulation requirements of this Code.~~

~~**Positive heating supply:** Heat deliberately supplied to a space by design, such as a supply register, radiator or heating element. Also, heat indirectly supplied to a space through uninsulated surfaces of service water heaters and space heating components, such as furnaces, boilers and heating and cooling distributions systems which are capable of maintaining air temperature within the space of fifty degrees F, or higher, at the exterior design conditions specified in Section 302.1. To be considered exempt from inclusion in this definition, such surfaces shall comply with the insulation requirements of this Code.))~~

Power: In connection with machines, the time rate of doing work. In connection with the transmission of energy of all types, the rate at which energy is transmitted; in customary units, it is measured in watts (W) or British Thermal Units per hour (Btu/h).

~~((**Public facility rest room:** A rest room used by the transient public on a regular (rather than casual) basis. Examples include rest rooms in service stations, airports, train terminals and convention halls. Rest rooms incorporated with private guest rooms in hotels, motels or dormitories and rest room facilities intended for the use of employees and not usually used by the general public are not considered public facility rest rooms.))~~

Radiant slab floor: A slab floor assembly on grade or below, containing heated pipes, ducts, or electric heating cables that constitute a ((radiant slab)) floor or portion thereof for a complete or partial heating of the structure.

Readily accessible: See the Washington State Mechanical Code.

Recooling: The removal of heat by sensible cooling of the supply air (directly or indirectly) that has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

Recovered energy: Energy utilized which would otherwise be wasted (i.e. not contribute to a desired end use) from an energy utilization system.

Reheat: The application of sensible heat to supply air that has been previously cooled below the temperature of the conditioned space by either mechanical refrigeration or the introduction of outdoor air to provide cooling.

Renewable energy sources: Renewable energy sources of energy (excluding minerals) are derived from: (1) incoming solar radiation, including but not limited to, natural daylighting and photosynthetic processes; (2) energy sources resulting from wind, waves and tides, lake or pond thermal differences; and (3) energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

Reset: Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

Roof/ceiling assembly: ~~((A roof/ceiling assembly shall be considered as all components of the roof/ceiling envelope through which heat flows, thus creating a building transmission heat loss or gain, where such assembly is exposed exterior ambient conditions to and encloses a conditioned space. The gross area of a roof/ceiling assembly consists of the total interior surface of such assembly, including skylights.)) (See Gross roof/ceiling area.)~~

Seer - seasonal energy efficiency ratio: The total cooling output of an air conditioner during its normal annual usage period, in Btu's, divided by the total electric energy input in watt-hours, during the same period, as determined by 10 CFR, Part 430.

Semi-heated space: Sub-category of Heated Space. (See Heated Space.)

Sequence: A consecutive series of operations.

Service systems: All energy-using systems in a building that are operated to provide services for the occupants or processes housed therein, including HVAC, service water heating, illumination, transportation, cooking or food preparation, laundering or similar functions.

Service water heating: Supply of hot water for domestic or commercial purposes other than comfort heating.

Shaded: Glazed area which is externally protected from direct solar radiation by use of devices permanently affixed to the structure or by an adjacent building, topographical feature, or vegetation.

Shading coefficient: The ratio of solar heat gain occurring through nonopaque portions of the glazing, with or without integral shading devices, to the solar heat gain occurring through an equivalent area of unshaded, 1/8 inch thick, clear, double-strength glass.

Note: Heat gains to be compared under the same conditions. See Chapter 28 of Standard RS-27, listed in Chapter 17 of this Code.

Shall: Denotes a mandatory code requirement.

Single family: One and two family residential dwelling units with no more than two units in a single building.

Skylight: ~~((A glazing surface that has a slope of less than sixty degrees from the horizontal plane.)) (See Overhead glazing.)~~

Slab-below-grade: Any portion of a slab floor in contact with the ground which is more than 24 inches below the final elevation of the nearest exterior grade.

Slab-on-grade, exterior: Any portion of a slab floor in contact with the ground which is less than or equal to twenty-four inches below the final elevation of the nearest exterior grade.

~~((Slab below grade: Any portion of a slab floor in contact with the ground which is more than twenty four inches below the final elevation of the nearest exterior grade.))~~

Small business: Any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees, or which has a million dollars or less per year in gross sales, of window products.

Solar energy source: Source of natural daylighting and of thermal, chemical or electrical energy derived directly from conversion of incident solar radiation.

Solar heat gain coefficient (SHGC): The ratio of the solar heat gain entering the space through the glazing product to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

Split system: Any heat pump or air conditioning unit which is provided in more than one assembly requiring refrigeration piping installed in the field.

Standard framing: All framing practices not defined as "intermediate" or "advanced" shall be considered standard. (See Advanced framed ceiling, Advanced framed walls, Intermediate framed wall and Section 1005.2 of this Code.)

Substantial contact: A condition where adjacent building materials are placed in a manner that proximal surfaces are contiguous, being installed and supported as to eliminate voids between materials, without compressing or degrading the thermal performance of either product.

System: A combination of central or terminal equipment or components and/or controls, accessories, interconnecting means, and terminal devices by which energy is transformed so as to perform a specific function, such as HVAC, service water heating or illumination.

Tapering: Installation of a reduced level of ceiling insulation at the eaves, due to reduced clearance.

Thermal by-pass: An area where the envelope surrounding the conditioned space is breached, or where an ineffective application compromises the performance of a thermal or infiltration barrier, increasing the structure's energy consumption by exposing finished surfaces to ambient conditions and additional heat transfer.

Thermal conductance (C): Time rate of heat flow through a body (frequently per unit area) from one of its bounding surfaces to the other for a unit temperature difference between the two surfaces, under steady conditions (Btu/hr • ft² • °F).

Thermal resistance (R): The reciprocal of thermal conductance (hr • ft² • °F/Btu).

Thermal transmittance (U): The coefficient of heat transmission (air to air). It is the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films (Btu/hr • ft² • °F). ~~((The U-factor applies to the fractional combinations of different materials used in series along the heat flow path.))~~

Thermal transmittance, overall (U_o): The overall (average) heat transmission of a gross area of the exterior building envelope (Btu/hr • ft² • °F). The U_o-factor applies to the combined effect of the time rate of heat flows through the various parallel paths, such as ~~((windows.))~~ glazing, doors and opaque construction areas, comprising the gross area of one or more exterior building components, such as walls, floors or roof/ceiling.

Thermostat: An automatic control device actuated by temperature and designed to be responsive to temperature.

Total on-site energy input: The combination of all the energy inputs to all elements and accessories as included in the equipment components, including but not limited to, compressor(s), compressor sump heater(s), circulating pump(s), purge devices, fan(s), and the HVAC system component control circuit.

Transmission coefficient: The ratio of the solar heat gain through a glazing system to that of an unshaded single pane of double strength window glass under the same set of conditions.

U-factor: (See thermal transmittance.)

U-Value: (See U-factor.)

Uniform Building Code (UBC): (~~The Washington State Uniform Building Code as modified by the Washington State Building Code Council.~~) (See Washington State Building Code.)

Uniform Mechanical Code (UMC): (~~The Washington State Uniform Mechanical Code as modified by the Washington State Building Code Council.~~) (See Washington State Mechanical Code.)

Uniform Plumbing Code (UPC): (See Washington State Plumbing Code.)

Unitary cooling and heating equipment: One or more factory-made assemblies which include an evaporator or cooling coil, a compressor and condenser combination, and may include a heating function as well. Where such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Unitary heat pump: One or more factory-made assemblies which include an indoor conditioning coil, compressor(s) and outdoor coil or refrigerant-to-water heat exchanger, including means to provide both heating and cooling functions. When such equipment is provided in more than one assembly, the separate assemblies shall be designed to be used together.

Vapor retarder: A layer of low moisture transmissivity material (not more than 1.0 perm dry cup) placed over the warm side (in winter) of insulation, over the exterior of below grade walls, and under floors as ground cover to limit the transport of water and water vapor through exterior walls, ceilings, and floors. Vapor retarding paint, listed for this application, also (~~complies with this Code~~) meets this definition.

Vaulted ceilings: All ceilings where enclosed joist or rafter space is formed by ceilings applied directly to the underside of roof joists or rafters.

Ventilation: The process of supplying or removing air by natural or mechanical means to or from any space. Such air may or may not have been conditioned.

Ventilation air: That portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

Vertical glazing: A glazing surface that has a slope of 60° or greater from the horizontal plane.

Walls (exterior): Any member or group of members which defines the exterior boundaries or courts of a building and which have a slope of sixty degrees or greater with the

horizontal plane, and separates conditioned from unconditioned space. Band joists between floors are to be considered a part of exterior walls.

Washington State Building Code: The building code as modified by the Washington State Building Code Council.

Washington State Mechanical Code: The mechanical code as modified by the Washington State Building Code Council.

Washington State Plumbing Code: The plumbing code as modified by the Washington State Building Code Council.

Zone: A space or group of spaces within a building with heating and/or cooling requirements sufficiently similar so that comfort conditions can be maintained throughout by a single controlling device. Each dwelling unit in residential buildings shall be considered a single zone.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

OPTION 1:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this Section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters 21-29 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.
2. Standard RS-25, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter 24 of Standard RS-1, listed in Chapter 7.
4. Results of parallel path correction factors effective framing/cavity R-values as provided from the following table for metal stud walls and roof ceilings:

	Framing		Cavity Insulation		
	Nominal Depth, Inches	Actual Depth, Inches	Nominal R-Value	Effective R-Value	
				Framing 16" o.c.	Framing 24" o.c.
Air cavity	any	any	0.91	0.79	0.91
Wall	4	3-1/2	R-11	R-5.5	R-6.6
	4	3-1/2	R-13	R-6.0	R-7.2
	4	3-1/2	R-15	R-6.4	R-7.8
	6	5-1/2	R-19	R-7.1	R-8.6
	6	5-1/2	R-21	R-7.4	R-9.0
	8	7-1/4	R-25	R-7.8	R-9.6
Roof	Insulation is uncompressed		R-11	R-5.5	R-6.1
			R-19	R-7.0	R-9.1
			R-30	R-9.3	R-11.4

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

- a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and
- b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections 2602 and/or 707 of the Uniform Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m²) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard 8-1.

- EXCEPTIONS:
- 1. Foam plastic insulation shall comply with section 2602 of the Uniform Building Code.
 - 2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
 - 3. Cellulose insulation shall comply with section 707 of the Uniform Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

PROPOSED

Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the Uniform Building Code section 1505.3 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. See Uniform Mechanical Code section 607 for underfloor supply plenum requirements. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS: 1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 through 6-6 options with vertical glazing U-0.40 and greater:

- a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e=0.10$ maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and
- b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 through 6-6 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in all Table 6-1 through 6-6 options except the unlimited glazing area options (Option VIII in Table 6-2, Option IX in Table 6-4, and Option VIII for Climate Zone 1 and Option IX for Climate Zone 2 in Table 6-6):

- a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e=0.20$ maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and
- b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 through 6-6 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 through 6-6 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 through 6-6 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

502.1.5.1 Standard Procedure for Determination of Glazing U-factors: U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

- EXCEPTIONS:**
1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.
 2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.
 3. Compliance may be based on the NFRC Nonresidential Model Size providing the average glazing product size for each operator type meets or exceeds the NFRC Nonresidential Model Size. A glazing schedule and average glazing size calculation shall be provided for each operator type.

502.1.5.2 Standard Procedure for Determination of Door U-factors: Half-lite and full-lite doors, including fire doors, shall be assigned default U-factors from Table 10-6D. All other doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

- EXCEPTIONS:**
1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.
 2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
 3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

- EXCEPTION:** Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil [0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

- EXCEPTION:** The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

- EXCEPTION:** Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. Electric Resistance: Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

- EXCEPTION:** Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. Other: All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems. (See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other

openings in between units in R-1 occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable housewrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

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

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0502 Building envelope requirements.

502.1 General:

OPTION 2:

502.1.1: The stated U- or F-factor of any component assembly, listed in Table 5-1 or 5-2, such as roof/ceiling, opaque wall or opaque floor may be increased and the U-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors specified in this Section.

The U-factors for typical construction assemblies are included in Chapter 10. These values shall be used for all calculations. Where proposed construction assemblies are not represented in Chapter 10, values shall be calculated in accordance with Chapters 21-29 in Standard RS-1 listed in Chapter 7, using the framing factors listed in Chapter 10 where applicable.

For envelope assemblies containing metal framing, the U-factor shall be determined by one of the following methods:

1. Results of laboratory or field measurements.
2. Standard RS-25, listed in Chapter 7, where the metal framing is bonded on one or both sides to a metal skin or covering.
3. The zone method as provided in Chapter 24 of Standard RS-1, listed in Chapter 7.
4. Results of parallel path correction factors effective framing/cavity R-values as provided (~~from the following table for metal stud walls and roof ceilings:~~) in Table 10-5A - Default U-Factors and Effective R-Values for Metal Stud Walls and Default Metal Building U-Factors.

	((Framing		Cavity Insulation		
	Nominal Depth, Inches	Actual Depth, Inches	Nominal R-Value	Effective R-Value	
				Framing 16" o.e.	Framing 24" o.e.
Air cavity	<u>any</u>	<u>any</u>	0.91	0.79	0.91
Wall	4	3-1/2	R-11	R-5.5	R-6.6
	4	3-1/2	R-13	R-6.0	R-7.2
	4	3-1/2	R-15	R-6.4	R-7.8
	6	5-1/2	R-19	R-7.1	R-8.6
	6	5-1/2	R-21	R-7.4	R-9.0
	8	7-1/4	R-25	R-7.8	R-9.6
Roof	Insulation is uncompressed		R-11	R-5.5	R-6.1
			R-19	R-7.0	R-9.1
			R-30	R-9.3	R-11.4))

502.1.2: For consideration of thermal mass effects, see section 402.4.

502.1.3: When return air ceiling plenums are employed, the roof/ceiling assembly shall:

a. For thermal transmittance purposes, not include the ceiling proper nor the plenum space as part of the assembly; and

b. For gross area purposes, be based upon the interior face of the upper plenum surface.

502.1.4 Insulation:

502.1.4.1 General: All insulating materials shall comply with sections 2602 and/or 707 of the Uniform Building Code. Substantial contact of the insulation with the surface being insulated is required. All insulation materials shall be installed according to the manufacturer's instructions to achieve proper densities and maintain uniform R-values and shall be installed in a manner which will permit inspection of the manufacturer's R-value identification mark. To the maximum extent possible, insulation shall extend over the full component area to the intended R-value.

Alternatively, the thickness of roof/ceiling and wall insulation that is either blown in or spray-applied shall be identified by inches of thickness, density and R-value markers installed at least one for every 300 square feet (28 m²) through the attic, ceiling and/or wall space. In attics, the markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed attic insulation shall meet or exceed the minimum initial installed thickness shown by the marker. In cathedral ceilings and walls, the markers shall be affixed to the rafter and wall frame at alternating high and low intervals and marked with the minimum installed density and R-value with numbers a minimum 1.0 inch (25 mm) in height. Each marker shall face the conditioned room area.

502.1.4.2 Insulation Materials: All insulation materials including facings such as vapor barriers or breather papers installed within floor/ceiling assemblies, roof/ceiling assemblies, walls, crawl spaces, or attics shall have a flame spread rating of less than 25 and a smoke density not to exceed 450 when tested in accordance with UBC Standard 8-1.

- EXCEPTIONS:
1. Foam plastic insulation shall comply with section 2602 of the Uniform Building Code.
 2. When such materials are installed in concealed spaces of Types III, IV and V construction, the flame spread and smoke developed limitations do not apply to facing, provided that the facing is installed in substantial contact with the unexposed surface of the ceiling, floor or wall finish.
 3. Cellulose insulation shall comply with section 707 of the Uniform Building Code.

502.1.4.3 Clearances: Where required, insulation shall be installed with clearances according to manufacturer's specifications. Insulation shall be installed so that required ventilation is unobstructed. For blown or poured loose fill insulation, clearances shall be maintained through installation of a permanent retainer.

502.1.4.4 Access Hatches and Doors: Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer must be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed R-value of the loose fill insulation.

502.1.4.5 Roof/Ceiling Insulation: Open-blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be, rigid material, resistant to wind driven moisture. Requirements for baffles for ceiling insulation shall meet the Uniform Building Code section 1505.3 for minimum ventilation requirements. When feasible, the baffles shall be installed from the top of the outside of the exterior wall, extending inward, to a point 6 inches vertically above the height of noncompressed insulation, and 12 inches vertically above loose fill insulation.

502.1.4.6 Wall Insulation: Insulation installed in exterior walls shall comply with the provisions of this section. All wall insulation shall fill the entire framed cavity. Exterior wall cavities isolated during framing shall be fully insulated to the levels of the surrounding walls. All faced insulation shall be face stapled to avoid compression.

502.1.4.7 Floor Insulation: Floor insulation shall be installed in a permanent manner in substantial contact with the surface being insulated. Insulation supports shall be installed so spacing is no more than 24 inches on center. Foundation vents shall be placed so that the top of the vent is below the lower surface of the floor insulation.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages or underfloor areas used as HVAC supply plenums. See Uniform Mechanical Code section 607 for underfloor supply plenum requirements. When foundation walls are insulated, the insulation shall be attached in a permanent manner. The insulation shall not block the airflow through foundation vents when installed. When foundation vents are not placed so that the top of the vent is below the lower surface of the floor insulation, a permanently attached baffle shall be installed at an angle of 30° from horizontal, to divert air flow below the lower surface of the floor insulation.

502.1.4.8 Slab-On-Grade: Slab-on-grade insulation, installed inside the foundation wall, shall extend downward from the top of the slab for a minimum distance of 24 inches or downward and then horizontally beneath the slab for a minimum combined distance of 24 inches. Insulation installed outside the foundation shall extend downward to a

minimum of 24 inches or to the frostline. Above grade insulation shall be protected.

EXCEPTION: For monolithic slabs, the insulation shall extend downward from the top of the slab to the bottom of the footing.

502.1.4.9 Radiant Slabs: The entire area of a radiant slab shall be thermally isolated from the soil, with a minimum of R-10 insulation. The insulation shall be an approved product for its intended use. If a soil gas control system is present below the radiant slab, which results in increased convective flow below the radiant slab, the radiant slab shall be thermally isolated from the sub-slab gravel layer.

502.1.4.10 Below Grade Walls: Below grade exterior wall insulation used on the exterior (cold) side of the wall shall extend from the top of the below grade wall to the top of the footing and shall be approved for below grade use. Above grade insulation shall be protected.

Insulation used on the interior (warm) side of the wall shall extend from the top of the below grade wall to the below grade floor level.

502.1.5 Glazing and Door U-factors: Glazing and door U-factors shall be determined in accordance with sections 502.1.5.1 and 502.1.5.2. All products shall be labeled with the NFRC certified or default U-factor. The labeled U-factor shall be used in all calculations to determine compliance with this Code. Sealed insulating glass shall conform to, or be in test for, ASTM E-774-81 class A.

EXCEPTIONS:

1. For glazed wall systems, assemblies with all of the following features are deemed to satisfy the vertical glazing U-factor requirement in Table 6-1 through 6-6 options with vertical glazing U-0.40 and greater:
 - a. Double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e=0.10$ maximum, with 90% minimum argon gas fill, and a non-aluminum spacer (as defined in footnote 1 to Table 10-6B), and
 - b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.
 The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 through 6-6 vertical glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."
2. For overhead glazing, assemblies with all of the following features are deemed to satisfy the overhead glazing U-factor requirement in all Table 6-1 through 6-6 options **except** the unlimited glazing area options (Option VIII in Table 6-2, Option IX in Table 6-4, and Option VIII for Climate Zone 1 and Option IX for Climate Zone 2 in Table 6-6):
 - a. Either, double glazing with a minimum 1/2 inch gap width, having a low-emissivity coating with $e=0.20$ maximum, with 90% minimum argon gas fill, or, triple glazed plastic domes, and
 - b. Frame that is thermal break aluminum (as defined in footnote 9 to Table 10-6B), wood, aluminum clad wood, vinyl, aluminum clad vinyl, or reinforced vinyl.
 The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 through 6-6 overhead glazing U-factor requirement using the exception to Section 502.1.5 in the Washington State Energy Code."

3. For solariums with a floor area which does not exceed 300 square feet, assemblies which comply with the features listed in exception 2 are deemed to satisfy the vertical glazing and overhead glazing U-factor requirement in Table 6-1 through 6-6 options with vertical glazing U-0.40 and greater.

The only labeling requirement for products using this exception shall be a description of the product and a label stating: "This product is deemed to satisfy the Table 6-1 through 6-6 vertical glazing and overhead glazing U-factor requirements using the exception to Section 502.1.5 in the Washington State Energy Code."

502.1.5.1 Standard Procedure for Determination of Glazing U-factors: U-factors for glazing shall be determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC. Compliance shall be based on the Residential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Products that are listed in the NFRC Certified Products Directory or certified to the NFRC standard shall not use default values.

EXCEPTIONS:

1. Glazing products without NFRC ratings may be assigned default U-factors from Table 10-6A for vertical glazing and from Table 10-6E for overhead glazing.
2. Units without NFRC ratings produced by a small business may be assigned default U-factors from Table 10-6A for garden windows, from Table 10-6B for other vertical glazing, and from Table 10-6E for overhead glazing.
3. Compliance may be based on the NFRC Nonresidential Model Size providing the average glazing product size for each operator type meets or exceeds the NFRC Nonresidential Model Size. A glazing schedule and average glazing size calculation shall be provided for each operator type.

502.1.5.2 Standard Procedure for Determination of Door U-factors: Half-lite and full-lite doors, including fire doors, shall be assigned default U-factors from Table 10-6D. All other doors, including fire doors, shall be assigned default U-factors from Table 10-6C.

EXCEPTIONS:

1. U-factors determined, certified and labeled in accordance with the National Fenestration Rating Council (NFRC) Product Certification Program (PCP), as authorized by an independent certification and inspection agency licensed by the NFRC.
2. The default values for the opaque portions of doors shall be those listed in Table 10-6C, provided that the U-factor listed for a door with a thermal break shall only be allowed if both the door and the frame have a thermal break.
3. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

502.1.6 Moisture Control:

502.1.6.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

502.1.6.2 Floors: Floors separating conditioned space from unconditioned space shall have a vapor retarder installed. The vapor retarder shall have a one perm dry cup rating or less (i.e., four mil[0.004 inch thick] polyethylene or kraft faced material).

502.1.6.3 Roof/Ceilings: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of 12 inches shall be provided with a vapor retarder. Faced batt insulation where used as a vapor retarder shall be face stapled. Single rafter joist vaulted ceiling cavities shall be of sufficient depth to allow a minimum one inch vented air space above the insulation.

502.1.6.4: Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages 12 inches or greater.

502.1.6.5: Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

502.1.6.6 Walls: Walls separating conditioned space from unconditioned space shall have a vapor retarder installed. Faced batt insulation shall be face stapled.

502.1.6.7 Ground Cover: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped 12 inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

502.2 Thermal Criteria for Group R Occupancy:

502.2.1 UA Calculations: The proposed UA as calculated using Equations 2 and 3 shall not exceed the target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the glazing area for the target UA shall be calculated using values in Table 5-1. The opaque door area shall be the same in the target UA and the proposed UA.

EXCEPTION: Log and solid timber walls that have a minimum average thickness of 3.5" and with space heat type other than electric resistance, are exempt from wall target UA and proposed UA calculations.

502.2.2 Space Heat Type: The following two categories comprise all space heating types:

1. Electric Resistance: Space heating systems which include baseboard units, radiant units and forced air units as either the primary or secondary heating system.

EXCEPTION: Electric resistance systems for which the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) One thousand watts (1000 w) per dwelling unit, or; 2) One watt per square foot (1 w/ft²) of the gross floor area.

2. Other: All gas, wood, oil and propane space heating systems, unless electric resistance is used as a secondary heating system, and all heat pump space heating systems.

(See EXCEPTIONS, Electric Resistance, section 502.2.2 above.)

502.3 Reserved.

502.4 Air Leakage:

502.4.1 General: The requirements of this section shall apply to all buildings and structures, or portions thereof, and only to those locations separating outdoor ambient conditions from interior spaces that are heated or mechanically cooled.

502.4.2 Doors and Windows, General: Exterior doors and windows shall be designed to limit air leakage into or from the building envelope. Site-constructed doors and windows shall be sealed in accordance with Section 502.4.3.

502.4.3 Seals and Weatherstripping:

a. Exterior joints around windows and door frames, openings between walls and foundation, between walls and roof and wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other openings in the building envelope for all occupancies and all other openings in between units in R-1 occupancy shall be sealed, caulked, gasketed or weatherstripped to limit air leakage. Other exterior joints and seams shall be similarly treated, or taped, or covered with moisture vapor permeable housewrap.

b. All exterior doors or doors serving as access to an enclosed unheated area shall be weatherstripped to limit leakage around their perimeter when in a closed position.

c. Site built windows are exempt from testing but shall be made tight fitting. Fixed lights shall have glass retained by stops with sealant or caulking all around. Operating sash shall have weatherstripping working against overlapping trim and a closer/latch which will hold the sash closed. The window frame to framing crack shall be made tight with caulking, overlapping membrane or other approved technique.

d. Openings that are required to be fire resistive are exempt from this section.

502.4.4 Recessed Lighting Fixtures: When installed in the building envelope, recessed lighting fixtures shall meet one of the following requirements:

1. Type IC rated, manufactured with no penetrations between the inside of the recessed fixture and ceiling cavity and sealed or gasketed to prevent air leakage into the unconditioned space.

2. Type IC rated, installed inside a sealed box constructed from a minimum 1/2 inch thick gypsum wall board, or constructed from a preformed polymeric vapor barrier, or other air tight assembly manufactured for this purpose.

3. Type IC rated, certified under ASTM E283 to have no more than 2.0 cfm air movement from the conditioned space to the ceiling cavity. The lighting fixture shall be tested at 75 Pascals or 1.57 lbs/ft² pressure difference and have a label attached, showing compliance.

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

AMENDATORY SECTION (Amending WSR 98-24-075, filed 12/1/98, effective 7/1/99)

WAC 51-11-0503 Building mechanical systems.

503.1 General: This section covers the determination of design requirements, system and component performance, control requirements, insulating systems and duct construction.

~~((EXCEPTIONS: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment, and computer rooms may be exempted from the requirements of this section when approved by the building official.))~~

503.2 Calculations of Heating and Cooling Loads, and System Sizing Limits: The design parameters specified in Chapter 3 shall apply for all computations.

503.2.1 Calculation Procedures: Heating and cooling design loads for the purpose of sizing HVAC systems are required and shall be calculated in accordance with accepted engineering practice, including infiltration and ventilation.

503.2.2 Space Heating and Space Cooling System Sizing Limits: Building mechanical systems for all buildings which provide space heating and/or space cooling shall be sized no greater than two hundred percent (200%) of the heating and cooling design loads as calculated above.

EXCEPTIONS: The following limited exemptions from the sizing limit shall be allowed, however, in all cases heating and/or cooling design load calculations shall be submitted.

1. For equipment which provides both heating and cooling in one package unit, including heat pumps with electric heating and cooling and gas-pack units with gas heating and electric cooling, compliance need only be demonstrated for either the space heating or space cooling system size.
2. Natural gas- or oil-fired space heating equipment whose total rated space heating output in any one dwelling unit is ~~((fifty-six thousand Btu/h or less))~~ a. 40,000 Btu/h or less is exempt from the sizing limit.
b. Larger than 40,000 Btu/h may exceed the two hundred (200%) percent sizing limit provided that the installed equipment has an annual fuel utilization efficiency (AFUE) of not less than ((the sum of seventy-eight percent plus one percent for every five thousand Btu/h that the space heating equipment output exceeds the design heating load of the dwelling unit)) ninety (90%) percent.
3. Stand-by equipment may be installed if controls and other devices are provided which allow redundant equipment to operate only when the primary equipment is not operating.

503.3 Simultaneous Heating and Cooling: Systems and equipment that provide simultaneous heating and cooling shall comply with the requirements in, as appropriate, Section 1422 or Section 1435.

503.4 HVAC Equipment Performance Requirements:

503.4.1 Equipment Components:

503.4.1.1: The requirements of this section apply to equipment and mechanical component performance for heating, ventilating and air-conditioning systems. Equipment efficiency levels are specified. Data furnished by the equip-

ment supplier or certified under a nationally recognized certification program or rating procedure shall be used to satisfy these requirements. Equipment efficiencies shall be based on the standard rating conditions in Tables 5-4, 5-5 or 5-6 as appropriate.

503.4.1.2: Where components from more than one manufacturer are assembled into systems regulated under this section, compliance for each component shall be as specified in sections 503.4.2 through 503.4.6 of this Code.

503.4.2: HVAC System Heating Equipment Heat Pump-heating Mode. Heat pumps whose energy input is entirely electric shall have a coefficient of performance (COP) heating, not less than the values in Table 5-7. Heat Pumps with supplementary backup heat other than electricity shall meet the requirements of Table 5-7.

503.4.2.1: These requirements apply to, but are not limited to, unitary (central) heat pumps (air source and water source) in the heating mode, water source (hydronic) heat pumps as used in multiple-unit hydronic HVAC systems, and heat pumps in the packaged terminal air-conditioner in the heating mode.

503.4.2.3 Supplementary Heater: The heat pump shall be installed with a control to prevent supplementary backup heater operation when the operating load can be met by the heat pump compression cycle alone.

503.4.2.4 Heat Pump Controls: Requirements for heat pump controls are listed in section 503.8.3.5 of this Code.

503.4.3 HVAC System Combustion Equipment: For Group R Occupancy, all gas, oil, and propane central heating systems shall have a minimum AFUE of 0.78*. All other Group R Occupancy heating equipment fueled by gas, oil, or propane shall be equipped with an intermittent ignition device, or shall comply with the efficiencies as required in the 1987 National Appliances Energy Conservation Act (Public Law 100-12).

*HVAC Heating system efficiency trade-offs shall be made using Chapters 4 or 6 of this Code.

503.4.4 Packaged and Unitary HVAC System Equipment, Electrically Operated, Cooling Mode: HVAC system equipment as listed below, whose energy input in the cooling mode is entirely electric, shall have an energy efficiency ratio (EER) or a seasonal energy efficiency ratio (SEER) cooling not less than values in Table 5-8.

503.4.4.1: These requirements apply to, but are not limited to, unitary (central) and packaged terminal heat pumps (air source and water source); packaged terminal air conditioners.

503.4.5 Other HVAC Equipment: HVAC equipment, other than that addressed in Sections 503.4.2 through 503.4.4, shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1 through 14-3.

503.5 Reserved.

PROPOSED

503.6 Balancing: The HVAC system design shall provide a means for balancing air and water systems. Balancing the system shall include, but not be limited to, dampers, temperature and pressure test connections and balancing valves.

503.7 Cooling with Outdoor Air (Economizer Cycle): ~~(Each fan system shall be designed to use up to and including 100% of the fan system capacity for cooling with outdoor air automatically whenever its use will result in lower usage of new energy. Activation of economizer cycle shall be controlled by sensing outdoor air enthalpy or outdoor air dry-bulb temperature alone or alternate means approved by the building official.)~~

EXCEPTIONS:

~~Cooling with outdoor air is not required under any one or more of the following conditions:~~

~~1. The fan system capacity is less than 3,500 cfm or total cooling capacity is less than 90,000 Btu/h.~~

~~2. The quality of the outdoor air is so poor as to require extensive treatment of the air and approval by the building official.~~

~~3. The need for humidification or dehumidification requires the use of more energy than is conserved by the outdoor air cooling on an annual basis.~~

~~4. The use of outdoor air cooling may affect the operation of other systems so as to increase the overall energy consumption of the building.~~

~~5. When energy recovered from an internal/external zone heat recovery system exceeds the energy conserved by outdoor air cooling on an annual basis.~~

~~6. When all space cooling is accomplished by a circulating liquid which transfers space heat directly or indirectly to a heat rejection device such as a cooling tower without use of a refrigeration system.~~

~~7. When the use of 100% outside air will cause coil frosting, controls may be added to reduce the quantity of outside air. However, the intent of this exception is to use 100% air in lieu of mechanical cooling when less energy usage will result and this exception applies only to direct expansion systems when the compressor is running.)~~

Systems and equipment that provide mechanical cooling shall comply with Section 1413 and, as appropriate, Section 1423 or 1433.

503.8 Controls:

503.8.1 Temperature Control: Each system shall be provided with at least one adjustable thermostat for the regulation of temperature. Each thermostat shall be capable of being set by adjustment or selection of sensors as follows:

503.8.1.1: When used to control heating only: Fifty-five degrees to seventy-five degrees F.

503.8.1.2: When used to control cooling only: Seventy degrees to eighty-five degrees F.

503.8.1.3: When used to control both heating and cooling, it shall be capable of being set from fifty-five degrees to eighty-five degrees F and shall be capable of operating the system heating and cooling in sequence. The thermostat and/or control system shall have an adjustable deadband of not less than ten degrees F.

503.8.2 Humidity Control: If a system is equipped with a means for adding moisture to maintain specific selected relative humidities in space or zones, a humidistat shall be provided. Humidistats shall be capable of being set to prevent

new energy from being used to produce space-relative humidity above thirty percent.

EXCEPTION: Special uses requiring different relative humidities may be permitted when approved by the building official.

503.8.3 Zoning for Temperature Control:

503.8.3.1 One- and Two-Family Dwellings: At least one thermostat for regulation of space temperature shall be provided for each separate system. In addition, a readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each zone or floor.

503.8.3.2 Multifamily Dwellings: For multifamily dwellings, each individual dwelling unit shall have at least one thermostat for regulation of space temperature. A readily accessible manual or automatic means shall be provided to partially restrict or shut off the heating and/or cooling input to each room. Spaces other than living units shall meet the requirements of 503.8.3.3.

503.8.3.3 Reserved.

503.8.3.4 Control Setback and Shut-off:

Residential Occupancy Groups. One- and Two-Family and Multifamily dwellings—The thermostat required in section 503.8.3.1 or section 503.8.3.2, or an alternate means such as a switch or clock, shall provide a readily accessible, manual or automatic means for reducing the energy required for heating and cooling during the periods of non-use or reduced need, such as, but not limited to unoccupied periods and sleeping hours. Lowering thermostat set points to reduce energy consumption of heating systems shall not cause energy to be expended to reach the reduced setting.

503.8.3.5 Heat Pump Controls: Programmable thermostats are required for all heat pump systems. The cut-on temperature for the compression heating shall be higher than the cut-on temperature for the supplementary heat, and the cut-off temperature for the compression heating shall be higher than the cut-off temperature for the supplementary heat. Heat pump thermostats will be capable of providing at least two programmable setback periods per day. The automatic setback thermostat shall have the capability of limiting the use of supplemental heat during the warm-up period.

503.9 Air Handling Duct System Insulation: Ducts, plenums and enclosures installed in or on buildings shall be thermally insulated per Table 5-11.

EXCEPTIONS: Duct insulation (except where required to prevent condensation) is not required in any of the following cases:

1. When the heat gain or loss of the ducts, without insulation, will not increase the energy requirements of the building.
2. Within the HVAC equipment.
3. Exhaust air ducts.
4. Supply or return air ducts installed in unvented crawl spaces with insulated walls, basements, or cellars in one- and two-family dwellings.

503.10 Duct Construction: All duct work shall be constructed in accordance with Standards RS-15, RS-16, RS-17,

RS-18, RS-19 or RS-20, as applicable, and the Uniform Mechanical Code.

503.10.1 Leakage Testing: High-pressure and medium-pressure ducts shall be leak tested in accordance with the applicable standards in Chapter 7 of this Code with the rate of air leakage not to exceed the maximum rate specified in that standard.

503.10.2 Seams and Joints: ~~((When low-pressure supply air ducts are located outside of the conditioned space, all HVAC ductwork seams and joints, both longitudinal and transverse, shall be taped and sealed with products approved by the building official only. Ductwork joints shall be mechanically fastened with a minimum of three fasteners per joint for a cylindrical duct. Use Table 5-11 for duct insulation requirements.))~~ All low-pressure supply and return, including enclosed stud bays or joist cavities/space used to transport air, shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer's installation instructions. Tapes and mastics used with rigid fibrous glass ducts shall be listed and labeled in accordance with UL 181A. Tapes and mastics used with flexible air ducts shall be listed and labeled in accordance with UL 181B. Duct tape is not permitted as a sealant on any ducts.

EXCEPTION: Ducts or building cavities used for air distribution that are located entirely within the conditioned space of the building are exempt from this section.

503.10.3 Dampers: Requirements for Automatic or manual dampers are found in the Washington State Ventilation and Indoor Air Quality Code.

503.10.4 Duct Insulation: Ducts shall meet the insulation requirements specified in Table 5-11.

503.11 ((Piping)) Pipe Insulation: All piping ~~((installed to serve buildings (and within)))~~ shall be thermally insulated in accordance with Table 5-12. ~~((For service hot water systems see section 504.7. If water pipes are outside of conditioned space then the pipe insulation requirement shall be R-3 minimum for nonrecirculating hot and cold water pipes. For recirculating service hot and cold water pipes use Table 5-12 for pipe sizes and temperatures.))~~

EXCEPTION: Piping ~~((insulation is not required))~~ installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with Washington State Plumbing Code (chapter 51-46 WAC).

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0504 Service water heating.

504.1 Scope: The purpose of this section is to provide criteria for design and equipment selection that will produce energy savings when applied to service water heating.

504.2 Water Heaters, Storage Tanks and Boilers:

504.2.1 Performance Efficiency: All Storage water heaters shall meet the requirements of the 1987 National Appliance Energy Conservation Act and be so labeled. All electric water heaters in unheated spaces or on concrete floors shall be placed on an incompressible, insulated surface with a minimum thermal resistance of R-10.

For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
<50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
>70 gallon storage	0.55	0.70

504.2.2 Insulation: Heat loss from unfired hot-water storage tanks shall be limited to a maximum of 9.6 Btu/hr/ft² of external tank surface area. The design ambient temperature shall be no higher than sixty-five degrees F.

504.2.3 Combination Service Water Heating/Space Heating Boilers: Service water heating equipment shall not be dependent on year round operation of space heating boilers.

EXCEPTIONS: 1. Systems with service/space heating boilers having a standby loss Btu/h less than:

$$(13.3 \text{ pmd} + 400)/n$$

determined by the fixture count method where:

pmd = probably maximum demand in gallons/hour as determined in accordance with Chapter 37 of Standard RS-11.

n = fraction of year when outdoor daily mean temperature exceeds 64.9° F.

The standby loss is to be determined for a test period of twenty-four-hour duration while maintaining a boiler water temperature of ninety degrees F above an ambient of sixty degrees F and a five foot stack on appliance.

2. For systems where the use of a single heating unit will lead to energy savings, such unit shall be utilized.

504.3 Automatic Controls: Service water heating systems shall be equipped with automatic temperature controls capable of adjustment from the lowest to the highest acceptable temperature settings for the intended use. Temperature setting range shall be set to one hundred twenty degrees F or forty-nine degrees C.

504.4 Shutdown: A separate switch shall be provided to permit turning off the energy supplied to electric service water heating systems. A separate valve shall be provided to permit turning off the energy supplied to the main burner(s) of all other types of service water heater systems.

504.5 Swimming Pools:

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504.5.1: All pool heaters shall be equipped with readily accessible ON/OFF switch to allow shutting off the operation of the heater without adjusting the thermostat setting. Controls shall be provided to allow the water temperature to be regulated from the maximum design temperature down to sixty-five degrees F.

504.5.2 Pool Covers: Heated swimming pools shall be equipped with a pool cover, approved by the building official. Pools heated to more than 90°F shall have a pool cover with a minimum insulation value of R-12.

504.6 Pump Operation: Circulating hot water systems shall be controlled so that the circulation pump(s) can be conveniently turned off, automatically or manually, when the hot water system is not in operation.

504.7 Pipe Insulation: ~~((For recirculating and non-recirculating systems;))~~ Piping shall be thermally insulated in accordance with section 503.11 ~~((and Table 5-12)).~~

504.8 Conservation of Hot Water:

504.8.1 Showers and Lavatories: Showers and lavatories used for other than safety reasons shall be equipped with flow control devices or specially manufactured showerheads or aerators to limit the total water flow rate as set forth in chapter 51-26 WAC, as measured with both hot and cold faucets turned on to their maximum flow.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-0505 ((Reserved.)) Lighting.

505.1 Lighting Controls: Hotel and motel guest rooms and guest suites shall have a master control device at the main room entry that controls all permanently installed luminaires and switched receptacles.

505.2 Lighting Power: Lighting shall comply with the Prescriptive Lighting Option in Section 1520 or the Lighting Power Allowance Option in Section 1530.

- EXCEPTIONS:**
1. Group R-3 occupancy and the dwelling unit portions of Group R-1 occupancy.
 2. Lighting exempted by Section 1512.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0530 Table 5-1.

**TABLE 5-1
TARGET COMPONENT VALUES FOR GROUP R OCCUPANCY**

Component	Electric Resistance		Other Fuels	
	Climate Zone		Climate Zone	
	1	2	1	2
Glazing % Floor Area	15%	15%	15%	15%
Vertical Glazing U-Factor	U = 0.400	U = 0.400	((U = 0.650)) U = 0.500	((U = 0.600)) U = 0.500
Overhead Glazing U-Factor	U = 0.58	U = 0.58	U = 0.68	U = 0.64
Doors	U = 0.200 (R-5)	U = 0.200 (R-5)	U = 0.400 (R-2.5)	U = 0.400 (R-2.5)
Ceilings				
Attic	U = 0.031 (R-38)	U = 0.031 (R-38)	U = 0.036 (R-30)	U = 0.031 (R-38)
Single Rafter/ Joist Vaulted	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)	U = 0.034 (R-30)
Walls	U = 0.058 (R-19A)	U = 0.044 (R-19+5A)	U = 0.062' (R-19)	U = 0.062' (R-19+5)
Floors	U = 0.029 (R-30)	U = 0.029 (R-30)	U = 0.041 (R-19)	U = 0.029 (R-30)
Slab on Grade Slab R-Value	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)	F = 0.54 (R-10)
Below Grade Interior				
Wall R-Value	R-19	R-19	R-19	R-19
2' Depth: Walls	U = 0.043	U = 0.043	U = 0.043	U = 0.043
Slab	F = 0.69	F = 0.69	F = 0.69	F = 0.69
3.5' Depth: Walls	U = 0.041	U = 0.041	U = 0.041	U = 0.041
Slab	F = 0.64	F = 0.64	F = 0.64	F = 0.64

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7' Depth: Walls Slab	U = 0.037 F = 0.57			
Below Grade Exterior				
Wall R-Value	R-10	R-12	R-10	R-12
2' Depth: Walls Slab	U = 0.070 F = 0.60	U = 0.061 F = 0.60	U = 0.070 F = 0.60	U = 0.061 F = 0.60
3.5' Depth: Walls Slab	U = 0.064 F = 0.57	U = 0.057 F = 0.57	U = 0.064 F = 0.57	U = 0.057 F = 0.57
7' Depth: Walls Slab	U = 0.056 F = 0.42	U = 0.050 F = 0.42	U = 0.056 F = 0.42	U = 0.050 F = 0.42

1. Log and Solid Timber walls that have a minimum average thickness of 3.5" are exempt from wall target UA and proposed UA calculations.

AMENDATORY SECTION (Amending WSR 94-05-059, filed 2/10/94, effective 4/1/94)

WAC 51-11-0601 Scope.

601.1 General: This chapter establishes design criteria in terms of prescribed requirements for building construction.

The provisions of this chapter are applicable to all Group R Occupancies. Occupancies shall comply with all the requirements of Chapter 5 except for the modifications herein specified.

For wood frame assemblies, the building envelope requirements of this chapter may be met by installing one of the prescriptive packages in Tables 6-1 to 6-6. Installed components shall meet the requirements of section 602 (and 605)). Compliance with nominal R-Values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only and shall not include the thermal transmittance of other building materials or air films, but shall permit interruption by occasional framing members. Other than wood frame assemblies with continuous insulation uninterrupted by framing shall also be allowed to comply with nominal R-values.

For metal frame assemblies, compliance shall be demonstrated in accordance with Chapter 4 or Chapter 5 based on the assemblies in Chapter 10. Compliance with nominal R-values is not allowed, unless the full nominal R-value of the insulation is installed either inside or outside of the framing and is uninterrupted by framing.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0602 Building envelope requirements for Group R Occupancy.

602.1 Roof/Ceiling: Ceilings below vented attics and single-rafter, joist-vaulted ceilings shall be insulated to not less than the nominal R-value specified for ceilings in Tables 6-1 to 6-6 as applicable.

602.2 Exterior Walls Both Above and Below Grade: Above grade exterior walls shall be insulated to not less than the nominal R-value specified in Tables 6-1 to 6-6 as applica-

ble. The following walls should be considered to meet R-19 without additional documentation:

1. 2 x 6 framed and insulated with R-19 fiberglass batts.
2. 2 x 4 framed and insulated with R-13 fiberglass batts plus R-3.2 foam sheathing.
3. 2 x 4 framed and insulated with R-11 fiberglass batts plus R-5.0 foam sheathing.

602.3 Exterior Walls (Below Grade): Below grade exterior walls surrounding conditioned space shall be insulated to not less than the nominal R-value specified for below grade walls in Tables 6-1 to 6-6 as applicable.

602.4 Slab-on-grade Floors: Slab-on-grade floors shall be insulated along their perimeter to not less than the nominal R-values specified for slab-on-grade floors in Tables 6-1 to 6-6 as applicable. Slab insulation shall be installed in compliance with section 502.1.4.8. See Chapter 5, section 502.1.4.9, for additional requirements for radiant slab heating.

602.5 Floors Over Unconditioned Space: Floors over unconditioned spaces, such as vented crawl spaces, unconditioned basements, and parking garages shall be insulated to not less than the nominal R-value shown for floors over unconditioned spaces, in Tables 6-1 to 6-6. If the insulation is installed below a concrete slab, then the edge of the slab shall comply with the insulation requirements for exterior walls or shall show compliance through Chapter 4 or Chapter 5.

602.6 Exterior Doors: Doors shall comply with Sections 602.6.1 and 602.6.2.

EXCEPTIONS:

1. Doors whose area and U-factor are included in the calculations for compliance with the requirements for glazing in section 602.7 shall be exempt from the door U-factor requirements prescribed in Tables 6-1 to 6-6.
2. One unlabeled or untested exterior swinging door with the maximum area of 24 square feet may be installed for ornamental, security or architectural purposes. Products using this exception shall not be included in either the U-factor or glazing area calculation requirements.

602.6.1 Exterior Door Area: For half-lite and full-lite doors, the glazing area shall be included in calculating the allowed total glazing area in Section 602.7.1. Single glazing used for ornamental, security or architectural purposes shall be calculated using the exception to Section 602.7.2.

602.6.2 Exterior Door U-Factor: Doors, including fire doors, shall have a maximum area weighted average U-factor not exceeding that prescribed in Tables 6-1 to 6-6.

602.7 Glazing:

602.7.1 Glazing Area: The total glazing area as defined in Chapter 2 shall not exceed the percentage of gross conditioned floor area specified in Tables 6-1 to 6-6. This area shall also include any glazing in doors.

602.7.2 Glazing U-Factor: The total glazing area as defined in Chapter 2 shall have an area weighted average U-factor not to exceed that specified in Tables 6-1 to 6-6. U-factors for glazing shall be determined in accordance with section 502.1.5. These areas and U-factors shall also include any doors using the exception of section 602.6.

If the U-factors for all vertical and overhead glazing products are below the appropriate U-factor specified, then no calculations are required. If compliance is to be achieved through an area weighted calculation, then the areas and U-factors shall be included in the plans submitted with a building permit application.

EXCEPTION: Single glazing for ornamental, security, or architectural purposes and double glazed garden windows

with a wood or vinyl frame shall be exempt from the U-factor calculations but shall have its area doubled and shall be included in the percentage of the total glazing area as allowed for in Tables 6-1 to 6-6. The maximum area (before doubling) allowed for the total of all single glazing and garden windows is one percent of the floor area.

602.8 Air Leakage For Group R Occupancy: The minimum air leakage control measures shall be as specified in section 502.4 as applicable.

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-0604 (~~(Electric power and lighting for Group R Occupancy.)~~) Reserved.

~~((604.1: All electrical power and lighting systems shall comply with the requirements of section 505.))~~

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-0605 (~~(Reserved.)~~) Lighting. Lighting shall comply with Section 505.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0625 Table 6-1.

**TABLE 6-1
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 • HEATING BY ELECTRIC RESISTANCE**

Option	Glazing Area ¹⁰ : % of Floor	Glazing U-Factor		Door ⁹ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall•int ⁴ Below Grade	Wall•ext ⁴ Below Grade	Floor ⁵	Slab ⁴ on Grade
		Vertical	Overhead ¹¹								
I.	10%	0.46	0.58	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
II.	12%	0.43	0.58	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
III.	12%	0.40	0.58	0.40	R-38	R-30	R-21	R-21	R-10	R-30	R-10
IV.*	15%	0.40	0.58	0.20	R-38	R-30	R-19	R-19	R-10	R-30	R-10
V.	18%	0.39	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VI.	21%	0.36	0.58	0.20	R-38	R-30	R-21	R-21	R-10	R-30	R-10
VII. ⁷	25%	0.32 ⁷	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-10	R-30	R-10
VIII. ⁷	30%	0.29 ⁷	0.58	0.20	R-38	R-30	R-19 +R-5 ⁸	R-21	R-10	R-30	R-10

* Reference Case

** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

- Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- Requirement applicable only to single rafter or joist vaulted ceilings.
- Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- Floors over crawl spaces or exposed to ambient air conditions.
- Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- The following options shall be applicable to buildings less than three stories: 0.35 maximum for glazing areas of 25% or less; 0.32 maximum for glazing areas of 30% or less.

PROPOSED

- 8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C or 10-6D.
- 10. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 11. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0626 Table 6-2.

**TABLE 6-2
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 1 • HEATING BY OTHER FUELS**

Option	((HVAC ⁹ Equip. Effie.))	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vertical	Overhead ¹²								
(I.	Med.	10%	0.70	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
(IV.*	Med.)	21%	((0.65))	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
I.*			0.50									
(V.	Low	24%	0.60	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
VI.⁷	Med.)	25%	((0.45⁷))	0.68	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
II.			0.40									
(VII.⁷	Med.)	30%	((0.40⁷))	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
III.			0.35									
(VIII.	Med.)	unlimited	0.25	0.40	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
IV.												

* Reference Case

** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

1. Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
2. Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
3. Requirement applicable only to single rafter or joist vaulted ceilings.
4. Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
5. Floors over crawl spaces or exposed to ambient air conditions.
6. Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
7. ~~((The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.)) Reserved.~~
8. This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
9. ~~((Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.)) Reserved.~~
10. Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C or 10-6D.
11. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U= 0.040 or less is not included in glazing area limitations.
12. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

PROPOSED

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0627 Table 6-3.

**TABLE 6-3
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY ELECTRIC RESISTANCE**

Option	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
		Vertical	Over-head ¹²								
I.	10%	0.38	0.58	0.20	R-38	R-30	R-21	R-21	R-12	R-30	R-10
II.	12%	0.40	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-25	R-10
III.*	15%	0.40	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
IV.	18%	0.38	0.58	0.20	R-38	R-30	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
V.	21%	0.35	0.58	0.20	R-38Adv	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VI. ⁷	25%	0.30 ⁷	0.58	0.20	R-49Adv	R-38	R-19+R-5 ⁸	R-21	R-12	R-30	R-10
VII. ⁷	30%	0.28 ⁷	0.58	0.20	R-60Adv	R-38	R-21+R-7.5 ⁹	R-21	R-12	R-30	R-10

* Reference Case

** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 The following options shall be applicable to buildings less than three stories: 0.33 maximum for glazing areas of 25% or less; 0.31 maximum for glazing areas of 30% or less.
- 8 This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- 9 This wall insulation requirement denotes R-21 wall cavity insulation plus R-7.5 foam sheathing.
- 10 Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C or 10-6D.
11. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
12. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0628 Table 6-4.

**TABLE 6-4
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY OTHER FUELS**

Option	((HVAC ⁹ Equip- Effie-))	Glazing Area ¹¹ : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vertical	Overhead ¹²								
(I.)	Med.	10%	0.70	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10

PROPOSED

**TABLE 6-4
PRESCRIPTIVE REQUIREMENTS¹ FOR GROUP R OCCUPANCY
CLIMATE ZONE 2 • HEATING BY OTHER FUELS**

PROPOSED

IV. ²)	((Med.))	17%	((0.60)) 0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
I.*	Low	17%	0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI.	Med.))	21%	((0.50)) 0.40	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
II.	Med.))	25%	((0.40 ⁷)) 0.35	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
(VII.)⁷	Med.))	30%	((0.40 ⁷)) 0.30	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
III.	Med.))	30%	((0.40 ⁷)) 0.30	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
(IX.)⁷	Med.))	unlimited	0.25	0.40	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
V.												

* Reference Case

** Nominal R-values are for wood frame assemblies only or assemblies built in accordance with Section 601.1.

- Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- Requirement applicable only to single rafter or joist vaulted ceilings.
- Below grade walls shall be insulated either on the exterior to a minimum level of R-12, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- Floors over crawl spaces or exposed to ambient air conditions.
- Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- ~~((The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.)) Reserved.~~
- This wall insulation requirement denotes R-19 wall cavity insulation plus R-5 foam sheathing.
- ~~((Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med.' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.)) Reserved.~~
- Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C or 10-6D.
- Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0630 Table 6-6.

**TABLE 6-6
LOG HOMES PRESCRIPTIVE REQUIREMENTS¹
HEATING BY OTHER FUELS**

Option	((HVAC ² Equip. Effie.))	Glazing Area ¹² : % of Floor	Glazing U-Factor		Door ¹⁰ U-Factor	Ceiling ²	Vaulted Ceiling ³	Wall ¹¹ Above Grade	Wall• int ⁴ Below Grade	Wall• ext ⁴ Below Grade	Floor ⁵	Slab ⁶ on Grade
			Vertical	Over-head ¹³								
Climate Zone 1												
(I.)	Med.	10%	0.70	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
II.	Med.	12%	0.65	0.68	0.40	R-30	R-30	R-15	R-15	R-10	R-19	R-10
III.	High	21%	0.75	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
IV.)²	Med.))	21%	((0.65)) 0.50	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10
(V.)²	Low	21%	0.60	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-19	R-10

VI. ² II.	Med.)	25%	((0.45 ²) 0.40	0.68	0.40	R-38	R-30	R-19	R-19	R-10	R-25	R-10
(VII.) ² III.	Med.)	30%	((0.40 ²) 0.35	0.68	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
(VIII.) IV.	Med.)	unlimited	0.25	0.40	0.40	R-30	R-30	R-19	R-19	R-10	R-25	R-10
Climate Zone 2												
(I.)	Med.	10%	0.70	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
II.	Med.	12%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
III.	High	17%	0.65	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-25	R-10
IV.* I.*	Med.)	17%	((0.60) 0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
(V.)	Low	17%	0.50	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
VI. II.	Med.)	21%	((0.50) 0.40	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
(VII.) III.	Med.)	25%	((0.40 ⁶) 0.35	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
(VIII.) IV.	Med.)	30%	((0.40 ⁶) 0.30	0.64	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10
(IX.) V.	Med.)	unlimited	0.25	0.40	0.40	R-38	R-30	R-19	R-19	R-12	R-30	R-10

PROPOSED

- * Reference Case
- 1 Minimum requirements for each option listed. For example, if a proposed design has a glazing ratio to the conditioned floor area of 19%, it shall comply with all of the requirements of the 21% glazing option (or higher). Proposed designs which cannot meet the specific requirements of a listed option above may calculate compliance by Chapters 4 or 5 of this Code.
- 2 Requirement applies to all ceilings except single rafter or joist vaulted ceilings. 'Adv' denotes Advanced Framed Ceiling.
- 3 Requirement applicable only to single rafter or joist vaulted ceilings.
- 4 Below grade walls shall be insulated either on the exterior to a minimum level of R-10, or on the interior to the same level as walls above grade. Exterior insulation installed on below grade walls shall be a water resistant material, manufactured for its intended use, and installed according to the manufacturer's specifications. See Section 602.2.
- 5 Floors over crawl spaces or exposed to ambient air conditions.
- 6 Required slab perimeter insulation shall be a water resistant material, manufactured for its intended use, and installed according to manufacturer's specifications. See Section 602.4.
- 7 ((The following options shall be applicable to buildings less than three stories: 0.50 maximum for glazing areas of 25% or less; 0.45 maximum for glazing areas of 30% or less.)) Reserved.
- 8 ((The following options shall be applicable to buildings less than three stories: 0.45 maximum for glazing areas of 25% or less; 0.40 maximum for glazing areas of 30% or less.)) Reserved.
- 9 ((Minimum HVAC Equipment efficiency requirement. 'Low' denotes an AFUE of 0.74. 'Med.' denotes an AFUE of 0.78. 'High' denotes an AFUE of 0.88. Minimum HVAC Equipment efficiency requirement for heat pumps. 'Low' denotes an HSPF of 6.35. 'Med' denotes an HSPF of 6.8. 'High' an HSPF of 7.7. Water and ground source heat pumps shall be considered as medium efficiency and have a minimum COP as required in Table 5-7.)) Reserved.
- 10 Doors, including all fire doors, shall be assigned default U-factors from Table 10-6C or 10-6D.
- 11 Log and solid timber walls with a minimum average thickness of 3.5" are exempt from this insulation requirement.
- 12. Where a maximum glazing area is listed, the total glazing area (combined vertical plus overhead) as a percent of gross conditioned floor area shall be less than or equal to that value. Overhead glazing with U-factor of U=0.040 or less is not included in glazing area limitations.
- 13. Overhead glazing shall have U-factors determined in accordance with NFRC 100 or as specified in Section 502.1.5.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-0701 ((Standards.)) Scope. The following standards shall apply to Chapters 1 through 20. The standards and portions thereof, which are referred to in various parts of this Code shall be part of the Washington State Energy Code and are hereby declared to be a part of this Code.

((CODE))	
REFERENCE	
STANDARD	
NO.	TITLE AND SOURCE
RS-1	((1997 ASHRAE Fundamentals Handbook)) Same as RS-27.
RS-2	through RS-3 (Reserved.)

((CODE))

REFERENCE

STANDARD NO.	TITLE AND SOURCE
RS-4	ASHRAE Standard 55-92 Thermal Environmental Conditions for Human Occupancy.
RS-5	through RS-8 (Reserved.)
RS-9	ASHRAE/IES Standard 90.1-1989, Efficient Design of New Buildings Except New Low-Rise Residential Buildings.
RS-10	Standard for Packaged Terminal Air Conditioners and Heat Pumps, ARI Standard 310/380-93.
RS-11	((1995)) 1999 ASHRAE HVAC Systems and Applications Handbook.
RS-12	through RS-14 (Reserved.)
RS-15	1996 ASHRAE System and Equipment Handbook.
RS-16	SMACNA, Installation Standards for Residential Heating and Air Conditioning Systems, 6th Edition, 1988.
RS-17	((SMACNA, HVAC Duct Construction Standards Metal and Flexible, 2nd Edition, 1995.)) Same as RS-18.
RS-18	((Same as Standard RS-17.)) <u>SMACNA, HVAC Duct Construction Standards Metal and Flexible, 2nd Edition, 1995.</u>
RS-19	SMACNA, Fibrous Glass Duct Construction Standards, 6th Edition, 1992.
RS-20	((1994)) 1998 ASHRAE Refrigeration Handbook.
RS-21	Same as Standard RS-10.
RS-22	through RS-24 (Reserved.)
RS-25	((Thermal Bridge in Sheet Metal Construction from Appendix E of Standard RS-9.)) Same as RS-27.
RS-26	Super Good Cents Technical Reference (Builder's Field Guide).
RS-27	1997 ASHRAE Fundamental Handbook.
RS-28	(Reserved.)
RS-29	Nonresidential Building Design by Systems Analysis.
RS-30	Title 10, Code of Federal Regulations (CFR), Part 430 (March 14, 1988).
RS-31	National Fenestration Rating Council (NFRC) Standard 100-1997.

ACCREDITED AUTHORITATIVE AGENCIES

ANSI refers to the American National Standards Institute, Inc., 11 West 42nd Street, New York, NY 10036

Phone (212) 642-4900 Fax (212) 398-0023, Internet www.ansi.org

ARI refers to the Air Conditioning and Refrigeration Institute, 4301 N. Fairfax Dr., Suite 425, Arlington, VA 22203

Phone (703) 524-8800 Fax (703) 528-3816, Internet www.ari.org

ASHRAE refers to the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329

Phone (404) 636-8400 Fax (404) 321-5478, Internet www.ashrae.org

ASTM refers to the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

Phone (610) 832-9585 Fax (610) 832-9555, Internet www.astm.org

CTI refers to the Cooling Tower Institute, 530 Wells Fargo Drive, Suite 218, Houston, TX 77090

Phone (281) 583-4087 Fax (281) 537-1721, Internet www.cti.org

IES refers to the Illuminating Engineering Society, 120 Wall Street, Floor 17, New York, NY 10005-4001

Phone (212) 248-5000 Fax (212) 248-5017, Internet ((www.ies.org)) www.iesna.org

NFRC refers to the National Fenestration Rating Council, Incorporated, 1300 Spring Street, Suite 120, Silver Spring, Maryland 20910

Phone (301) 589-NFRC Fax (301) 588-0854, Internet www.nfrc.org

SMACNA refers to the Sheet Metal and Air Conditioning Contractors National Association, Inc., 4201 Lafayette Center Drive, P.O. Box 221230, Chantilly, VA 20153-1230
Phone (703) 803-2980 Fax (703) 803-3732, Internet www.smacna.org

AMENDATORY SECTION (Amending WSR 91-01-112, filed 12/19/90, effective 7/1/91)

WAC 51-11-1001 Section 1001 General.

1001.1 Scope: The following defaults shall apply to Chapters 1 through 20. This chapter includes tables of seasonal average heat-loss coefficients for specified nominal insulation. The heat-loss coefficients may also be used for heating system sizing.

1001.2 Description: These coefficients were developed primarily from data and procedures from Standard ((RS-1)) RS-27, and taken specifically from Standard RS-26, listed in Chapter 7.

Coefficients not contained in this chapter may be computed using the procedures listed in these references if the assumptions in the following sections and Standard RS-26, listed in Chapter 7, are used, along with data from the sources referenced above.

PROPOSED

1001.3 Air Films: Default R-values used for air films shall be as follows:

R-Value	Condition
0.17	All exterior surfaces
0.61	Interior horizontal surfaces, heat flow up
0.92	Interior horizontal surfaces, heat flow down

R-Value	Condition
0.68	Interior vertical surfaces

1001.4 Compression of Insulation: Insulation which is compressed shall be rated in accordance with Table 10-A or reduction in value may be calculated in accordance with the procedures in Standard RS-27, listed in Chapter 7.

TABLE 10-A
R-Value of Fiberglass Batts Compressed within Various Depth Cavities

Insulation R-Value at Standard Thickness												
R-Value	38	30	22	21	19	15	13	11	8	5	3	
Standard Thickness	12"	9-1/2"	6-3/4"	5-1/2"	6-1/4"	3-1/2"	3-5/8"	3-1/2"	2-1/2"	1-1/2"	3/4"	
Nominal Lumber Sizes, Inches	Actual Depth of Cavity, Inches	Insulation R-Values when Installed in a Confined Cavity										
2 x 12	11-1/4	37	=	=	=	=	=	=	=	=	=	=
2 x 10	9-1/4	32	30	=	=	=	=	=	=	=	=	=
2 x 8	7-1/4	27	26	=	=	=	=	=	=	=	=	=
2 x 6	5-1/2	=	21	20	21	18	=	=	=	=	=	=
2 x 4	3-1/2	=	=	14	=	13	15	13	11	=	=	=
2 x 3	2-1/2	=	=	=	=	=	=	9.8	=	=	=	=
2 x 2	1-1/2	=	=	=	=	=	=	6.3	6.0	5.7	5.0	=
2 x 1	3/4	=	=	=	=	=	=	=	=	=	3.2	3.0

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1002 Section 1002: Below grade walls and slabs.

1002.1 General: Table 10-1 lists heat-loss coefficients for below-grade walls and floors.

Coefficients for below-grade walls are given as U-factors (Btu/hr•ft²•°F ((per square foot)) of wall area). Coefficients for below-grade slabs are listed as F-factors (Btu/hr•ft•°F per lineal foot of slab perimeter).

Below-grade wall U-factors are only valid when used with the accompanying below-grade slab F-factors, and vice versa.

1002.2 Component Description: All below-grade walls are assumed to be eight-inch concrete. The wall is assumed to extend from the slab upward to the top of the mud sill for the distance specified in Table 10-1, with six inches of concrete wall extending above grade.

Interior insulation is assumed to be fiberglass batts placed in the cavity formed by 2x4 framing on twenty-four inch centers with one-half inch of gypsum board as the interior finish material. Exterior insulation is assumed to be applied directly to the exterior of the below-grade wall from

the top of the wall to the footing. The exterior case does not assume any interior framing or sheetrock.

In all cases, the entire wall surface is assumed to be insulated to the indicated nominal level with the appropriate framing and insulation application. Coefficients are listed for wall depths of two, three and one-half, and seven feet below grade. Basements shallower than two feet should use on-grade slab coefficients.

Heat-loss calculations for wall areas above grade should use above-grade wall U-factors, beginning at the mudsill.

1002.3 Insulation Description: Coefficients are listed for the following four configurations:

1. Uninsulated: No insulation or interior finish.
2. Interior insulation: Interior 2x4 insulated wall without a thermal break between concrete wall and slab.
3. Interior insulation w/thermal break: Interior 2x4 insulated wall with R-5 rigid board providing a thermal break between the concrete wall and the slab.
4. Exterior insulation: Insulation applied directly to the exterior surface of the concrete wall.

PROPOSED

**TABLE 10-1
DEFAULT WALL U-FACTORS AND SLAB F-FACTORS FOR BASEMENTS**

PROPOSED

	Below Grade Wall U-factor	Below Grade Slab F-factor
2-Foot Depth Below Grade		
Uninsulated	0.350	0.59
R-11 Interior	0.066	0.68
R-11 Interior w/tb	0.070	0.60
R-19 Interior	0.043	0.69
R-19 Interior w/tb	0.045	0.61
R-10 Exterior	0.070	0.60
R-12 Exterior	0.061	0.60
3.5-Foot Depth Below Grade		
Uninsulated	0.278	0.53
R-11 Interior	0.062	0.63
R-11 Interior w/tb	0.064	0.57
R-19 Interior	0.041	0.64
R-19 Interior w/tb	0.042	0.57
R-10 Exterior	0.064	0.57
R-12 Exterior	0.057	0.57
7-Foot Depth Below Grade		
Uninsulated	0.193	0.46
R-11 Interior	0.054	0.56
R-11 Interior w/tb	0.056	0.42
R-19 Interior	0.037	0.57
R-19 Interior w/tb	0.038	0.43
R-10 Exterior	0.056	0.42
R-12 Exterior	0.050	0.42

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1003 Section 1003: On-grade slab floors.

1003.1 General: Table 10-2 lists heat-loss coefficients for heated on-grade slab floors, in units of Btu/h•°F((~~hr~~)) per lineal foot of perimeter.

1003.2 Component Description: All on-grade slab floors are assumed to be six-inch concrete poured directly onto the earth. The bottom of the slab is assumed to be at grade line. Monolithic and floating slabs are not differentiated.

Soil is assumed to have a conductivity of 0.75 Btu/hr•°F•ft². Slabs two-feet or more below grade should use basement coefficients.

1003.3 Insulation Description: Coefficients are provided for the following three configurations:

Two-Foot (or four-foot) vertical: Insulation is applied directly to the slab exterior, extending downward from the top of the slab to a depth of two-feet (or four-feet) below grade.

Two-Foot (or four-foot) horizontal: Insulation is applied directly to the underside of the slab, and run horizontally from the perimeter inward for two-feet or four-feet. The slab edge is exposed in this configuration.

Note: A horizontal installation with a thermal break of at least R-5 at the slab edge should use the vertical-case F-factors.

Fully insulated slab: Insulation extends from the top of the slab, along the entire perimeter, and completely covers the area under the slab. Thicker perimeter insulation covers the slab edge and extends 2 feet under the slab.

**TABLE 10-2
DEFAULT F-FACTORS FOR ON-GRADE SLABS**

Insulation type	R-0	R-5	R-10	R-15
Unheated Slab				
Uninsulated slab	0.73	—	—	—
2-ft Horizontal (No thermal break)	—	0.70	0.70	0.69
4-ft Horizontal (No thermal break)	—	0.67	0.64	0.63
2-ft Vertical	—	0.58	0.54	0.52
4-ft Vertical	—	0.54	0.48	0.45
Fully insulated slab	—	—	0.36	—
Heated Slab				
Uninsulated slab	0.84	—	—	—
Fully insulated slab	—	0.74	0.55	0.44
R-5 Center (With perimeter insulation)	—	—	0.66	0.62
R-10 Center (With perimeter insulation)	—	—	—	0.51
3-ft Vertical	—	—	0.78	—

PROPOSED

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1004 Section 1004: (~~Crawlspace floors~~) **Floors over unconditioned space.**

1004.1 General: Tables 10-3 (~~and~~), 10-4 and 10-4a list heat-loss coefficients for floors over (~~crawlspace~~) unconditioned spaces in units of Btu/h·ft²·°F (~~hr per square foot of floor~~).

They are derived from procedures listed in (~~RS-1~~) RS-27, listed in Chapter 7, assuming an average outdoor temperature of 45° F, an average indoor temperature of 65° F, and a crawlspace area of (~~one thousand three hundred fifty~~) 1350 ft² and (~~one hundred fifty~~) 100 ft of perimeter. The crawlspace is assumed to be 2.5-feet high, with (~~twenty-four~~) 24 inches below grade and (~~six~~) 6 inches above grade.

1004.2 Crawlspace Description: Four (~~crawlspace~~) configurations are considered: Vented crawlspace, unvented crawlspace, (~~enclosed and~~) heated plenum crawlspace and exposed floor.

Vented crawlspaces: Assumed to have (~~three~~) 3.0 air-changes per hour, with at least (~~one~~) 1.0 ft² of net-free ventilation in the foundation for every three hundred ft² of crawlspace floor area. The crawlspace is not actively heated.

Floors over unheated areas, such as garages, may only use those values which have R-0 perimeter insulation.

Unvented crawlspaces: Assumed to have 1.5 air changes per hour, with less than (~~one~~) 1.0 ft² of net-free ventilation in the foundation for every three hundred ft² of crawlspace floor area. The crawlspace is not actively heated. Floors over unheated basements may only use those values which have R-0 perimeter insulation.

Heated-plenum crawlspaces: Assumed to have 0.25 air-changes per hour, with no foundation vents. Heated supply

air from central furnace is blown into a crawlspace and allowed to enter the living space unducted via holes cut into the floor.

Enclosed floors: Assumes no buffer space, and a covering of one-half inch of T1-11 on the exterior of the cavity exposed to the outside air or rigid insulation below a concrete floor, such as over parking garages.

1004.3 Construction Description: Floors are assumed to be either joisted floors framed on sixteen inch centers, or post and beam on four by eight foot squares. Insulation is assumed to be installed under the subflooring between the joists or beams with no space between the insulation and the subfloor. Insulation is assumed to be uncompressed. Exposed floors also include concrete with continuous rigid insulation assumed.

Perimeter insulation is assumed to extend from the top of the rim joist to the crawlspace floor and then inward along the ground (on top of the ground cover) for at least twenty-four inches.

Floor coverings are assumed to be light carpet with rubber pad.

**TABLE 10-3
DEFAULT U-FACTORS FOR FLOORS OVER
VENTED CRAWLSPACE OR
UNHEATED BASEMENT**

Nominal R-value		U-factor	
Floor	Perimeter	Post & Beam	Joists
0	0	0.112	0.134
	11	0.100	0.116
	19	0.098	0.114
	30	0.093	0.107
11	0	0.052	0.056
	11	0.048	0.052

**TABLE 10-3
DEFAULT U-FACTORS FOR FLOORS OVER
VENTED CRAWLSPACE OR
UNHEATED BASEMENT**

Nominal R-value		U-factor	
Floor	Perimeter	Post & Beam	Joists
19	0	0.038	0.041
	11	0.036	0.038
22	0	0.034	0.037
	11	0.033	0.035
25	0	0.032	0.034
	11	0.031	0.033
30	0	0.028	0.029
	11	0.027	0.028
38	0	0.024	0.025
	11	0.024	0.024

above-grade wood stud frame walls (($\text{Btu}/\text{h}\cdot\text{ft}^2\cdot\text{°F}$ per square foot)), metal stud frame walls and concrete masonry walls ($\text{Btu}/\text{h}\cdot\text{ft}^2\cdot\text{°F}$) respectively. They are derived from procedures listed in ((RS-4)) RS-27, listed in Chapter 7((assuming exterior air films at 7.5 mph wind speed)). For intermediate floor slabs which penetrate the insulated wall, use the concrete wall U-factors in Table 10-5B.

Insulation is assumed to uniformly fill the entire cavity and to be installed as per manufacturer's directions. All walls are assumed to be finished on the inside with one-half inch gypsum wallboard, and on the outside with either beveled wood siding over one-half inch plywood sheathing or with five-eighths inch T1-11 siding. Insulated sheathing (either interior or exterior) is assumed to cover the entire opaque wall surface.

1005.2 Framing Description: For wood stud frame walls, three framing types are considered, and defined as follows:

Standard: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use three studs and each opening is framed using two studs. Headers consist of double 2X or single 4X material with an air space left between the header and the exterior sheathing. Interior partition wall/exterior wall intersections use two studs in the exterior wall.

Framing weighting factors:	Studs and plates	.19
	Insulated cavity	.77
	Headers	.04

Intermediate: Studs framed on sixteen inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and each opening is framed by two studs. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.18
	Insulated cavity	.78
	Headers	.04

Advanced: Studs framed on twenty-four inch centers with double top plate and single bottom plate. Corners use two studs or other means of fully insulating corners, and one stud is used to support each header. Headers consist of double 2X material with R-10 insulation between the header and exterior sheathing. Interior partition wall/exterior wall intersections are fully insulated in the exterior wall.

Framing weighting factors:	Studs and plates	.13
	Insulated cavity	.83
	Headers	.04

1005.3 Component Description: Default coefficients for four types of walls are listed: single-stud walls, metal stud walls, strap walls, and double-stud walls.

**TABLE 10-4
DEFAULT U-FACTORS FOR FLOORS OVER
HEATED PLENUM CRAWLSPACES**

Nominal R-value Perimeter	U-factor
11	0.085
19	0.075
30	0.069

**TABLE 10-4A
EXPOSED FLOOR**

Nominal R-value	U-factor		
	Concrete	Wood Joist	Metal Joist
R-11	0.077	0.088	0.14
R-15	0.059	0.076	0.12
R-19	0.048	0.062	0.11
R-21	0.043	0.057	0.11
R-25	0.037	0.051	0.10
R-30	0.031	0.040	0.09
R-38	0.025	0.034	0.08

Note: Crawlspace used as heated plenums have approximately 30% higher heat-loss rate than unvented crawlspaces with the same assumed ACH. Default U-values in Table 10-4 reflect this higher rate of heat loss.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1005 Section 1005: Above-grade walls.

Section 1005.1 General: Table 10-5, 10-5A and 10-5B list((s)) heat-loss coefficients for the opaque portion of

PROPOSED

Single-Stud Wall: Assumes either 2x4 or 2x6 studs framed on sixteen or twenty-four inch centers. Headers are solid for 2x4 walls and double 2x for 2x6 walls, with either dead-air or rigid-board insulation in the remaining space.

Metal Stud Wall: Assumes metal studs spaced on 16 or 24 inch centers with insulation installed to fill wall cavities. Continuous rigid board insulation is applied without creating uninsulated voids in the wall assembly.

Strap Wall: Assumes 2x6 studs framed on sixteen or twenty-four inch centers. 2x3 or 2x4 strapping is run horizontally along the interior surface of the wall to provide additional space for insulation.

Double-Stud Wall: Assumes an exterior structural wall and a separate interior, non-structural wall. Insulation is placed in both wall cavities and in the space between the ~~((two))~~ 2 walls. Stud spacing is assumed to be on ~~((twenty-four))~~ 24 inch centers for both walls.

TABLE 10-5

DEFAULT U-FACTORS FOR ABOVE-GRADE WALLS

2 x 4 Single Wood Stud: R-11 Batt

Siding Material/Framing Type				
	Lapped Wood		T1-11	
R-value of Foam Board	STD	ADV	STD	ADV
0	0.088	0.084	0.094	0.090
1	0.080	0.077	0.085	0.082
2	0.074	0.071	0.078	0.075
3	0.069	0.066	0.072	0.070
4	0.064	0.062	0.067	0.065
5	0.060	0.058	0.063	0.061
6	0.056	0.055	0.059	0.057
7	0.053	0.052	0.055	0.054
8	0.051	0.049	0.052	0.051
9	0.048	0.047	0.050	0.049
10	0.046	0.045	0.047	0.046
11	0.044	0.043	0.045	0.044
12	0.042	0.041	0.043	0.042

NOTE:

Nominal Batt R-value:
R-11 at 3.5 inch thickness

Installed Batt R-value:
R-11 in 3.5 inch cavity

PROPOSED

2 x 4 Single Wood Stud: R-13 Batt

NOTE:
 Nominal Batt R-value:
 R-13 at 3.63 inch thickness

 Installed Batt R-value:
 R-12.7 in 3.5 inch cavity

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.082	0.078	0.088	0.083
1	0.075	0.072	0.080	0.076
2	0.069	0.066	0.073	0.070
3	0.065	0.062	0.068	0.065
4	0.060	0.058	0.063	0.061
5	0.057	0.055	0.059	0.057
6	0.053	0.052	0.056	0.054
7	0.051	0.049	0.052	0.051
8	0.048	0.047	0.050	0.048
9	0.046	0.045	0.047	0.046
10	0.044	0.043	0.045	0.044
11	0.042	0.041	0.043	0.042
12	0.040	0.039	0.041	0.040

PROPOSED

2 x 4 Single Wood Stud: R-15 Batt

NOTE:
 Nominal Batt R-value:
 R-15 at 3.5 inch thickness

 Installed Batt R-value:
 R-15 in 3.5 inch cavity

Siding Material/Framing Type				
R-value of Foam Board	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
0	0.076	0.071	0.081	0.075
1	0.069	0.065	0.073	0.069
2	0.064	0.061	0.068	0.069
3	0.060	0.057	0.063	0.059
4	0.056	0.053	0.059	0.056
5	0.053	0.051	0.055	0.052
6	0.050	0.048	0.052	0.050
7	0.047	0.046	0.049	0.047
8	0.045	0.044	0.047	0.045
9	0.043	0.042	0.044	0.043
10	0.041	0.040	0.042	0.041
11	0.039	0.038	0.041	0.039
12	0.038	0.037	0.039	0.038

2 x 6 Single Wood Stud: R-19 Batt

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.062	0.058	0.055	0.065	0.061	0.058
1	0.058	0.055	0.052	0.060	0.057	0.055
2	0.054	0.052	0.050	0.056	0.054	0.051
3	0.051	0.049	0.047	0.053	0.051	0.049
4	0.048	0.046	0.045	0.050	0.048	0.046
5	0.046	0.044	0.043	0.048	0.046	0.044
6	0.044	0.042	0.041	0.045	0.044	0.042
7	0.042	0.040	0.039	0.043	0.042	0.040
8	0.040	0.039	0.038	0.041	0.040	0.039
9	0.038	0.037	0.035	0.039	0.038	0.037
10	0.037	0.036	0.035	0.038	0.037	0.036
11	0.036	0.035	0.034	0.036	0.035	0.035
12	0.034	0.033	0.033	0.035	0.034	0.033

NOTE:

Nominal Batt R-value:
R-19 at 6 inch thickness

Installed Batt R-value:
R-18 in 5.5 inch cavity

PROPOSED

2 x 6 Single Wood Stud: R-21 Batt

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.057	0.054	0.051	0.060	0.056	0.053
1	0.054	0.051	0.048	0.056	0.053	0.050
2	0.050	0.048	0.045	0.052	0.050	0.047
3	0.048	0.045	0.043	0.049	0.047	0.045
4	0.045	0.043	0.041	0.047	0.045	0.043
5	0.043	0.041	0.040	0.044	0.042	0.041
6	0.041	0.039	0.038	0.042	0.041	0.039
7	0.039	0.038	0.036	0.040	0.039	0.037
8	0.038	0.036	0.035	0.039	0.037	0.036
9	0.036	0.035	0.034	0.037	0.036	0.035
10	0.035	0.034	0.033	0.036	0.035	0.033
11	0.033	0.033	0.032	0.034	0.033	0.032
12	0.032	0.031	0.031	0.033	0.032	0.031

NOTE:

Nominal Batt R-value:
R-21 at 5.5 inch thickness

Installed Batt R-value:
R-21 in 5.5 inch cavity

2 x 6 Single Wood Stud: R-22 Batt

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.059	0.055	0.052	0.062	0.058	0.054
1	0.055	0.052	0.049	0.057	0.054	0.051
2	0.052	0.049	0.047	0.054	0.051	0.048
3	0.049	0.046	0.044	0.050	0.048	0.046
4	0.046	0.044	0.042	0.048	0.046	0.044
5	0.044	0.042	0.041	0.045	0.043	0.042
6	0.042	0.040	0.039	0.043	0.042	0.040
7	0.040	0.039	0.037	0.041	0.040	0.038
8	0.038	0.037	0.036	0.039	0.038	0.037
9	0.037	0.036	0.035	0.038	0.037	0.035
10	0.035	0.034	0.033	0.036	0.035	0.034
11	0.034	0.033	0.032	0.035	0.034	0.033
12	0.033	0.032	0.031	0.034	0.033	0.032

NOTE:
 Nominal Batt R-value:
 R-22 at 6.75 inch thickness

 Installed Batt R-value:
 R-20 in 5.5 inch cavity

PROPOSED

2 x 6 Single Wood Stud: Two R-11 Batts

Siding Material/Framing Type						
	Lapped Wood			T1-11		
R-value of Foam Board	STD	INT	ADV	STD	INT	ADV
0	0.060	0.057	0.054	0.063	0.059	0.056
1	0.056	0.053	0.051	0.059	0.056	0.053
2	0.053	0.050	0.048	0.055	0.052	0.050
3	0.050	0.048	0.046	0.052	0.049	0.047
4	0.047	0.045	0.044	0.049	0.047	0.045
5	0.045	0.043	0.042	0.046	0.045	0.043
6	0.043	0.041	0.040	0.044	0.043	0.041
7	0.041	0.040	0.038	0.042	0.041	0.039
8	0.039	0.038	0.037	0.040	0.039	0.038
9	0.038	0.037	0.036	0.039	0.038	0.036
10	0.036	0.035	0.034	0.037	0.036	0.035
11	0.035	0.034	0.033	0.036	0.035	0.034
12	0.034	0.033	0.032	0.034	0.034	0.033

NOTE:
 Nominal Batt R-value:
 R-22 at 7 inch thickness

 Installed Batt R-value:
 R-18.9 in 5.5 inch cavity

2 x 8 Single Stud: R-25 Batt

Siding Material/Framing Type						
R-value of Foam Board	Lapped Wood			T1-11		
	STD	INT	ADV	STD	INT	ADV
0	0.051	0.047	0.045	0.053	0.049	0.046
1	0.048	0.045	0.043	0.049	0.046	0.044
2	0.045	0.043	0.041	0.047	0.044	0.042
3	0.043	0.041	0.039	0.044	0.042	0.040
4	0.041	0.039	0.037	0.042	0.040	0.038
5	0.039	0.037	0.036	0.040	0.038	0.037
6	0.037	0.036	0.035	0.038	0.037	0.036
7	0.036	0.035	0.033	0.037	0.035	0.034
8	0.035	0.033	0.032	0.035	0.034	0.033
9	0.033	0.032	0.031	0.034	0.033	0.032
10	0.032	0.031	0.030	0.033	0.032	0.031
11	0.031	0.030	0.029	0.032	0.031	0.030
12	0.030	0.029	0.028	0.031	0.030	0.029

NOTE:

Nominal Batt R-value:
R-25 at 8 inch thickness

Installed Batt R-value:
R-23.6 in 7.25 inch cavity

PROPOSED

2 x 6: Strap Wall

	Siding Material/Frame Type			
	Lapped Wood		T1-11	
	STD	ADV	STD	ADV
R-19 + R-11 Batts	0.036	0.035	0.038	0.036
R-19 + R-8 Batts	0.041	0.039	0.042	0.040

2 x 6 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-19	————	R-11	0.040	0.037	0.041	0.038
R-19	————	R-19	0.034	0.031	0.035	0.032
R-19	R-8	R-11	0.029	0.028	0.031	0.029
R-19	R-11	R-11	0.027	0.026	0.028	0.027
R-19	R-11	R-19	0.024	0.023	0.025	0.023
R-19	R-19	R-19	0.021	0.020	0.021	0.020

2 x 4 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
Exterior	Middle	Interior	STD	ADV	STD	ADV
R-11	————	R-11	0.050	0.046	0.052	0.048
R-19	————	R-11	0.039	0.037	0.043	0.039
R-11	R-8	R-11	0.037	0.035	0.036	0.036

2 x 4 + 2 x 4: Double Wood Stud

Batt Configuration			Siding Material/Frame Type			
			Lapped Wood		T1-11	
R-11	R-11	R-11	0.032	0.031	0.033	0.032
R-13	R-13	R-13	0.029	0.028	0.029	0.028
R-11	R-19	R-11	0.026	0.026	0.027	0.026

Log Walls

Average Log Diameter, Inches	U-factor
6	0.148
8	0.111
10	0.089
12	0.074
14	0.063
16	0.056

NOTE:

R-value of wood:
R-1.25 per inch thickness

Average wall thickness
90% average log diameter

Stress Skin Panel

Panel Thickness, Inches	U-factor
3 1/2	0.071
5 1/2	0.048
7 1/4	0.037
9 1/4	0.030
11 1/4	0.025

NOTE:

R-value of expanded polystyrene: R-3.85 per inch

Framing: 6%
Spline: 8%

No thermal bridging between interior and exterior splines

Metal Stud Walls: The nominal R-values in Table 10-5A may be used for purposes of calculating metal stud wall section U-factors in lieu of the ASHRAE zone calculation method as provided in Chapter 24 of Standard RS-27.

((TABLE 10-5A
Overall Assembly U-Factors for Metal Stud Walls

Metal Framing	R-Value of Continuous Foam Board Insulation	Cavity Insulation					
		R-11	R-13	R-15	R-19	R-21	R-25
16" o.e.	R-0 (none)	U-0.14	U-0.13	U-0.12	U-0.10	U-0.097	U-0.091
	R-1	U-0.12	U-0.12	U-0.11	U-0.094	U-0.089	U-0.083
	R-2	U-0.11	U-0.10	U-0.099	U-0.086	U-0.081	U-0.077
	R-3	U-0.10	U-0.095	U-0.090	U-0.079	U-0.075	U-0.071
	R-4	U-0.091	U-0.087	U-0.082	U-0.073	U-0.070	U-0.067
	R-5	U-0.083	U-0.080	U-0.076	U-0.068	U-0.065	U-0.062
	R-6	U-0.077	U-0.074	U-0.071	U-0.064	U-0.061	U-0.059
	R-7	U-0.071	U-0.069	U-0.066	U-0.060	U-0.058	U-0.055
	R-8	U-0.067	U-0.064	U-0.062	U-0.057	U-0.055	U-0.053
	R-9	U-0.062	U-0.060	U-0.058	U-0.054	U-0.052	U-0.050
	R-10	U-0.059	U-0.057	U-0.055	U-0.051	U-0.049	U-0.048
24" o.e.	R-0 (none)	U-0.13	U-0.12	U-0.11	U-0.091	U-0.085	U-0.079
	R-1	U-0.11	U-0.10	U-0.098	U-0.084	U-0.078	U-0.073
	R-2	U-0.10	U-0.091	U-0.089	U-0.077	U-0.073	U-0.068
	R-3	U-0.092	U-0.083	U-0.082	U-0.072	U-0.068	U-0.064
	R-4	U-0.084	U-0.077	U-0.076	U-0.067	U-0.063	U-0.060

R-5	U-0.078	U-0.071	U-0.070	U-0.063	U-0.060	U-0.057
R-6	U-0.072	U-0.067	U-0.066	U-0.059	U-0.056	U-0.054
R-7	U-0.067	U-0.063	U-0.062	U-0.056	U-0.053	U-0.051
R-8	U-0.063	U-0.059	U-0.058	U-0.053	U-0.051	U-0.048
R-9	U-0.059	U-0.056	U-0.055	U-0.050	U-0.048	U-0.046
R-10	U-0.056	U-0.053	U-0.052	U-0.048	U-0.046	U-0.044))

TABLE 10-5A

Default U-Factors and Effective R-Values for Metal Stud Walls and Default U-Factors for Metal Building

EFFECTIVE R-VALUES FOR METAL STUD AND INSULATED CAVITY ONLY

OVERALL ASSEMBLY U-FACTORS FOR METAL STUD WALLS

Nominal Wall Thickness, Inches	Nominal Insulation R-Value	Overall Assembly U-Factors	
		16" O.C.	24" O.C.
4	R-11	0.14	0.13
4	R-13	0.13	0.12
4	R-15	0.12	0.11
6	R-19	0.11	0.10
6	R-21	0.11	0.09
8	R-25	0.10	0.09

Cavity		Nominal R-Value	Insulation	
Nominal Depth, Inches	Actual Depth, Inches		Effective R-Value	
			16" O.C.	24" O.C.
any	any	R-0.91 (air)	0.79	0.91
4	3-1/2	R-11	5.5	6.6
4	3-1/2	R-13	6.0	7.2
4	3-1/2	R-15	6.4	7.8
6	5-1/2	R-19	7.1	8.6
6	5-1/2	R-21	7.4	9.0
8	7-1/4	R-25	7.8	9.6

DEFAULT METAL BUILDING U-FACTORS

	R-10	R-11	R-13	R-19	R-24	R-30
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Metal covering sheets fastened to the frame, holding insulation in place.	0.133	0.127	0.114	0.091	na	na
Faced fiber glass batt insulation suspended between structural frame. Metal covering sheets fastened directly to frame.	0.131	0.123	0.107	0.079	0.065	0.057
Faced fiber glass blanket insulation rolled over and perpendicular to structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.102	0.096	0.084	0.065	na	na
Faced fiber glass batt insulation suspended between structural frame. Rigid insulation blocks placed over insulation to align with structural frame.	0.099	0.093	0.080	0.059	0.048	0.041

Concrete Masonry Walls: The nominal R-values in Table 10-5B may be used for purposes of calculating concrete masonry wall section U-factors in lieu of the ASHRAE isothermal planes calculation method as provided in Chapter 24 of Standard RS-27.

TABLE 10-5B

Default U-Factors for Concrete and Masonry Walls

8" CONCRETE MASONRY				
WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.40	0.23	0.24	0.43

PROPOSED

PROPOSED

8" CONCRETE MASONRY

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
R-5 Interior Insulation, Wood Furring	0.14	0.11	0.12	0.15
R-6 Interior Insulation, Wood Furring	0.14	0.11	0.11	0.14
R-10.5 Interior Insulation, Wood Furring	0.11	0.09	0.09	0.11
R-8 Interior Insulation, Metal Clips	0.11	0.09	0.09	0.11
R-6 Exterior Insulation	0.12	0.10	0.10	0.12
R-10 Exterior Insulation	0.08	0.07	0.07	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.09	0.09	0.12

12" CONCRETE MASONRY

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.35	0.17	0.18	0.33
R-5 Interior Insulation, Wood Furring	0.14	0.10	0.10	0.13
R-6 Interior Insulation, Wood Furring	0.13	0.09	0.10	0.13
R-10.5 Interior Insulation, Wood Furring	0.11	0.08	0.08	0.10
R-8 Interior Insulation, Metal Clips	0.10	0.08	0.08	0.09
R-6 Exterior Insulation	0.11	0.09	0.09	0.11
R-10 Exterior Insulation	0.08	0.06	0.06	0.08
R-9.5 Rigid Polystyrene Integral Insulation, Two Webbed Block	0.11	0.08	0.09	0.12

8" CLAY BRICK

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Block, Both Sides	0.50	0.31	0.32	0.56
R-5 Interior Insulation, Wood Furring	0.15	0.13	0.13	0.16
R-6 Interior Insulation, Wood Furring	0.15	0.12	0.12	0.15
R-10.5 Interior Insulation, Wood Furring	0.12	0.10	0.10	0.12
R-8 Interior Insulation, Metal Clips	0.11	0.10	0.10	0.11
R-6 Exterior Insulation	0.12	0.11	0.11	0.13
R-10 Exterior Insulation	0.08	0.08	0.08	0.09

6" CONCRETE POURED OR PRECAST

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
Exposed Concrete, Both Sides	NA	NA	NA	0.61

6" CONCRETE POURED OR PRECAST

WALL DESCRIPTION	CORE TREATMENT			
	Partial Grout with UngROUTED Cores			Solid Grout
	Empty	Loose-fill insulated		
		Perlite	Vermiculite	
R-5 Interior Insulation, Wood Furring	NA	NA	NA	0.16
R-6 Interior Insulation, Wood Furring	NA	NA	NA	0.15
R-10.5 Interior Insulation, Wood Furring	NA	NA	NA	0.12
R-8 Interior Insulation, Metal Clips	NA	NA	NA	0.12
R-6 Exterior Insulation	NA	NA	NA	0.13
R-10 Exterior Insulation	NA	NA	NA	0.09

Notes for Default Table 10-5B

1. Grouted cores at 40" x 48" on center vertically and horizontally in partial grouted walls.
2. Interior insulation values include 1/2" gypsum board on the inner surface.
3. Furring and stud spacing is 16" on center. Insulation is assumed to fill furring space and is not compressed.
4. Intermediate values may be interpolated using this table. Values not contained in this table may be computed using the procedures listed in Standard RS-27.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1006 Section 1006 Default U-factors for glazing and doors.

1006.1 ((UnTESTED)) Glazing and Doors without NFRC Certification: ((UnTESTED)) Glazing and doors that do not have NFRC certification shall be assigned the ((U-factors from Tables 10-6A, 10-6B, 10-6C, 10-6D, or 10-6E as appropriate)) following U-factors:

TABLE 10-6

Other than Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING, OVERHEAD GLAZING AND OPAQUE DOORS

Vertical Glazing	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	1.45	1.45
Double	0.90	0.75
1/2 Inch Air, Fixed	0.75	0.60
1/2 Inch Air, Low-e ^(0.40) , Fixed	0.60	0.50
1/2 Inch Argon, Low-e ^(0.10) , Fixed	0.50	0.40

Overhead Glazing

	U-Factor	
	Any Frame	Vinyl/Wood Frame
Single	2.15	2.15
Double	1.45	1.00
Low-e ^(0.40) or Argon	1.40	0.95
Low-e ^(0.40) + Argon	1.30	0.85
Low-e ^(0.20) Air	1.30	0.90
Low-e ^(0.20) + Argon	1.25	0.80
Triple	1.25	0.80

Opaque Doors

	U-Factor
Uninsulated Metal	1.20
Insulated Metal (Including Fire Door and Smoke Vent)	0.60
Wood	0.50

Notes:

- Where a gap width is listed (i.e.: 1/2 inch), that is the minimum allowed.
- Where a low-emissivity emittance is listed (i.e.: 0.40, 0.20, 0.10), that is the maximum allowed.
- Where a gas other than air is listed (i.e.: Argon), the gas fill shall be a minimum of 90%.
- Where an operator type is listed (i.e.: Fixed), the default is only allowed for that operator type.
- Where a frame type is listed (i.e.: Wood/vinyl), the default is only allowed for that frame type. Wood/vinyl frame includes reinforced vinyl and aluminum-clad wood.

PROPOSED

TABLE 10-6A
Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING

Description ^{1,2,3,4}			Frame Type ^{5,6}		
			Aluminum	Aluminum Thermal Break ⁷	Wood/Vinyl
Windows	Single		1.20	1.20	1.20
	Double, < 1/2"	Clear	0.92	0.75	0.63
		Clear+ Argon	0.87	0.71	0.60
		Low-e	0.85	0.69	0.58
		Low-e+Argon	0.79	0.62	0.53
	Double, ≥ 1/2"	Clear	0.86	0.69	0.58
		Clear+ Argon	0.83	0.67	0.55
		Low-e	0.78	0.61	0.51
		Low-e+Argon	0.75	0.58	0.48
	Triple,	Clear	0.70	0.53	0.43
		Clear+ Argon	0.69	0.52	0.41
		Low-e	0.67	0.49	0.40
		Low-e+Argon	0.63	0.47	0.37
Garden Windows	Single		2.60	n.a.	2.31
	Double	Clear	1.81	n.a.	1.61
		Clear+ Argon	1.76	n.a.	1.56
		Low-e	1.73	n.a.	1.54
		Low-e+Argon	1.64	n.a.	1.47

- 1 <1/2"= a minimum dead air space of less than 0.5 inches between the panes of glass.
 ≥ 1/2"= a minimum dead air space of 0.5 inches or greater between the panes of glass.
 Where no gap width is listed, the minimum gap width is 1/4".
- 2 Any low-e (emissivity) coating (0.1, 0.2 or 0.4).
- 3 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, C02, SF6, argon/SF6 mixtures and Krypton.
- 4 "Glass block" assemblies may use a U-factor of 0.51.
- 5 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 6 Aluminum clad wood windows shall use the U-factors listed for wood/vinyl windows.
- 7 Aluminum Thermal Break= An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/°F;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.

PROPOSED

TABLE 10-6B'
Group R Occupancy: DEFAULT U-FACTORS FOR VERTICAL GLAZING
FOR SMALL BUSINESSES

DESCRIPTION ^{2,3,4,5,6}	FRAME TYPE ^{7,8}			
	ALUMINUM	ALUM. THERMAL BREAK ⁹	WOOD/VINYL	ALUM. CLAD WOOD/REINFORCED VINYL ¹⁰
Double, Clear 1/4"	0.82	0.66	0.56	0.59
Double, Clear 1/4"+ argon	0.77	0.63	0.53	0.56
Double, Low-e4 1/4"	0.76	0.61	0.52	0.54
Double, Low-e2 1/4"	0.73	0.58	0.49	0.51
Double, Low-e1 1/4"	0.70	0.55	0.47	0.49
Double, Low-e4 1/4"+ argon	0.70	0.55	0.47	0.49
Double, Low-e2 1/4"+ argon	0.66	0.52	0.43	0.46
Double, Low-e1 1/4"+ argon	0.64	0.50	0.41	0.43
Double, Clear 3/8"	0.78	0.63	0.54	0.57
Double, Clear 3/8"+ argon	0.75	0.60	0.51	0.54
Double, Low-e4 3/8"	0.72	0.57	0.48	0.51
Double, Low-e2 3/8"	0.69	0.54	0.45	0.48
Double, Low-e1 3/8"	0.66	0.51	0.43	0.46
Double, Low-e4 3/8"+ argon	0.68	0.53	0.44	0.47
Double, Low-e2 3/8"+ argon	0.63	0.49	0.41	0.44
Double, Low-e1 3/8"+ argon	0.61	0.47	0.39	0.41
Double, Clear 1/2"	0.75	0.60	0.50	0.54
Double, Clear 1/2"+ argon	0.72	0.58	0.48	0.51
Double, Low-e4 1/2"	0.68	0.53	0.44	0.47
Double, Low-e2 1/2"	0.64	0.50	0.41	0.44
Double, Low-e1 1/2"	0.61	0.47	0.39	0.42
Double, Low-e4 1/2"+ argon	0.65	0.50	0.42	0.44
Double, Low-e2 1/2"+ argon	0.60	0.46	0.37	0.40
Double, Low-e1 1/2"+ argon	0.58	0.43	0.35	0.38
Triple, Clear 1/4"	0.66	0.52	0.42	0.44
Triple, Clear 1/4"+ argon	0.63	0.49	0.39	0.42
Triple, Low-e4 1/4"	0.64	0.50	0.40	0.40
Triple, Low-e2 1/4"	0.62	0.48	0.39	0.41
Triple, Low-e1 1/4"	0.61	0.47	0.38	0.40
Triple, Low-e4 1/4"+ argon	0.60	0.46	0.37	0.39
Triple, Low-e2 1/4"+ argon	0.58	0.43	0.34	0.37
Triple, Low-e1 1/4" + argon	0.57	0.42	0.34	0.36
Triple, Clear 1/2"	0.61	0.46	0.37	0.40
Triple, Clear 1/2"+ argon	0.59	0.45	0.36	0.38
Triple, Low-e4 1/2"	0.58	0.43	0.35	0.37
Triple, Low-e2 1/2"	0.55	0.41	0.32	0.35
Triple, Low-e1 1/2"	0.54	0.39	0.31	0.33
Triple, Low-e4 1/2"+ argon	0.55	0.41	0.32	0.35
Triple, Low-e2 1/2"+ argon	0.52	0.38	0.30	0.32
Triple, Low-e1 1/2"+ argon	0.51	0.37	0.29	0.31

PROPOSED

Footnotes to Table 10-6B

- 1 Subtract 0.02 from the listed default U-factor for non-aluminum spacer. Acceptable spacer materials may include but is not limited to fiberglass, wood and butyl or other material with an equivalent thermal performance.
- 2 1/4"= a minimum dead air space of 0.25 inches between the panes of glass.
 3/8"= a minimum dead air space of 0.375 inches between the panes of glass.
 1/2"= a minimum dead air space of 0.5 inches between the panes of glass.
 Product with air spaces different than those listed above shall use the value for the next smaller air space; i.e. 3/4 inch= 1/2 inch U-factors, 7/16 inch= 3/8 inch U-factors, 5/16 inch= 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.
 Low-e2 (emissivity) shall be 0.2 or less.
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled insulated units for argon, CO2, SF6, and argon/SF6 mixtures. The following conversion factor shall apply to Krypton gas-filled units: 1/4" or greater with krypton is equivalent to 1/2" argon.
- 5 Dividers placed between glazing: The U-factor listed shall be used where the divider has a minimum gap of 1/8 inch between the divider and lite of each inside glass surface. Add 0.03 to the listed U-factor for True Divided Lite windows.
- 6 "Glass block" assemblies may use a U-factor of 0.51.
- 7 Insulated fiberglass framed products shall use wood/vinyl U-factors.
- 8 Subtract 0.02 from the listed default values for solariums.
- 9 Aluminum Thermal Break = An aluminum thermal break framed window shall incorporate the following minimum design characteristics:
 - a) The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h/ft²/F°;
 - b) The thermal break material must produce a gap in the frame material of not less than 0.210 inches; and,
 - c) All metal framing members of the products exposed to interior and exterior air shall incorporate a thermal break meeting the criteria in a) and b) above.
- 10 Aluminum clad wood windows shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl windows. Vinyl clad wood window shall use the U-factors listed for Wood/Vinyl windows. Any vinyl frame window with metal reinforcement in more than one rail shall use the U-factors listed for Aluminum Clad Wood/Reinforced Vinyl window.

PROPOSED

**((TABLE 10-6C
 DEFAULT U-FACTORS FOR WOOD AND STEEL DOORS**

Nominal Door Thickness, Inches	Description	No Storm Door	Wood Storm Door ^c	Metal Storm Door ^d
Wood Doors^b				
1-3/8	Panel door with 7/16 inch panels ^a	0.57	0.33	0.37
1-3/8	Hollow core flush door	0.47	0.30	0.32
1-3/8	Solid core flush door	0.39	0.26	0.28
1-3/4	Panel door with 7/16 inch panels ^a	0.57	0.33	0.36
1-3/4	Hollow core flush door	0.46	0.29	0.32
1-3/4	Panel door with 3/4 inch panels ^a	0.40	0.27	0.29

**((TABLE 10-6C
DEFAULT U FACTORS FOR WOOD AND STEEL DOORS**

Nominal Door Thickness, Inches	Description	No Storm Door	Wood Storm Door ^a	Metal Storm Door ^d
1-3/4	Panel door with 1 1/8 inch panels ^e	0.39	0.26	0.28
1-3/4	Solid core flush door	0.33	0.28	0.25
2-1/4	Solid core flush door	0.27	0.20	0.21
Steel Doors^b				
1-3/4	Fiberglass or mineral wool core w/ steel stiffeners, no thermal break ^f	0.60	—	—
1-3/4	Paper honeycomb core without thermal break ^f	0.56	—	—
1-3/4	Solid urethane foam core without thermal break ^f	0.40	—	—
1-3/4	Solid fire rated mineral fiberboard core without thermal break ^f	0.38	—	—
1-3/4	Polystyrene core without thermal break (18-gage commercial steel) ^f	0.35	—	—
1-3/4	Polyurethane core without thermal break (18-gage commercial steel) ^f	0.29	—	—
1-3/4	Polyurethane core without thermal break (24-gage commercial steel) ^f	0.29	—	—
1-3/4	Polyurethane core w/ thermal break & wood perimeter (24-gage commercial steel) ^f	0.20	—	—
1-3/4	Solid urethane foam core with thermal break	0.19	0.16	0.17

Note: All U factors for exterior doors in this table are for doors with no glazing, except for the storm doors which are in addition to the main exterior door. Any glazing area in exterior doors should be included with the appropriate glass type and analyzed. Interpolation and moderate extrapolation are permitted for door thicknesses other than those specified:

- a Values are based on a nominal 32 by 80 in. door size with no glazing.
- b Outside air conditions: 15 mph wind speed, 0°F air temperature; inside air conditions: natural convection, 70°F air temperature.
- c Values for wood storm door are for approximately 50 percent glass area.
- d Values for metal storm door are for any percent glass area.
- e 55-percent panel area.
- f ASTM C-236 hotbox data on a nominal 3 by 7 ft door size with no glazing.

The U factors in Table 6C are for exterior wood and steel doors. The values given for wood doors were calculated, and those for steel doors were taken from hotbox tests (Sabine et al. 1975; Yellot 1965) or from manufacturer's test reports. An outdoor surface conductance of 6.0 Btu/h·ft²·°F was used, and the indoor surface conductance was taken as 1.4 Btu/h·ft²·°F for vertical surfaces with horizontal heat flow. All values given are for exterior doors without glazing. If an exterior door contains glazing, refer to Table 10-6D:))

**TABLE 10-6C
Group R Occupancy: DEFAULT U-FACTORS FOR DOORS**

Door Type	No Glazing	Single Glazing	Double Glazing with 1/2 in. Airspace	Double Glazing with e=0.10, 1/2 in. Argon
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SWINGING DOORS (Rough opening - 38 in. x 82 in.)

Slab Doors

Wood slab in wood frame^a

0.46

PROPOSED

<u>Door Type</u>	<u>No Glazing</u>	<u>Single Glazing</u>	<u>Double Glazing with 1/2 in. Airspace</u>	<u>Double Glazing with e=0.10, 1/2 in. Argon</u>
6% glazing (22 in. x 8 in. lite)	=	0.48	0.46	0.44
25% glazing (22 in. x 36 in. lite)	=	0.58	0.46	0.42
45% glazing (22 in. x 64 in. lite)	=	0.69	0.46	0.39
More than 50% glazing	Use Table 10-6A			
<u>Insulated steel slab with wood edge in wood frame^a</u>	0.16			
6% glazing (22 in. x 8 in. lite)	=	0.21	0.19	0.18
25% glazing (22 in. x 36 in. lite)	=	0.39	0.26	0.23
45% glazing (22 in. x 64 in. lite)	=	0.58	0.35	0.26
More than 50% glazing	Use Table 10-6A			
<u>Foam insulated steel slab with metal edge in steel frame^b</u>	0.37			
6% glazing (22 in. x 8 in. lite)	=	0.44	0.41	0.39
25% glazing (22 in. x 36 in. lite)	=	0.55	0.48	0.44
45% glazing (22 in. x 64 in. lite)	=	0.71	0.56	0.48
More than 50% glazing	Use Table 10-6A			
<u>Cardboard honeycomb slab with metal edge in steel frame^b</u>	0.61			
<u>Style and Rail Doors</u>	Use Table 10-6A			
<u>Sliding glass doors/French doors</u>	Use Table 10-6A			
<u>Site-Assembled Style and Rail Doors</u>				
Aluminum in aluminum frame	=	1.32	0.93	0.79
Aluminum in aluminum frame with thermal break	=	1.13	0.74	0.63
REVOLVING DOORS (Rough opening - 82 in. x 84 in.)				
Aluminum in aluminum frame				
Open	=	1.32	=	=
Closed	=	0.65	=	=
SECTIONAL OVERHEAD DOORS (Nominal - 10 ft x 10 ft)				
Uninsulated steel (nominal U = 1.15) ^c	1.15	=	=	=
Insulated steel (nominal U = 0.11) ^c	0.24	=	=	=
Insulated steel with thermal break (nominal U = 0.08) ^c	0.13	=	=	=

a. Thermally broken sill (add 0.03 for nonthermally broken sill)

b. Nonthermally broken sill

c. Nominal U-factors are through the center of the insulated panel before consideration of thermal bridges around the edges of the door sections and due to the frame.

TABLE 10-6D
((DEFAULT U FACTORS FOR GLAZED DOORS²⁾)
Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS
See Table 10-6C

Description ^{2,3,4,5}	((Door Material			
	Insulated ⁶		Wood ⁷	
	Full Lite ^{4,9}	Half Lite ^{10,11}	Full Lite ³	Half Lite ¹⁰
Double, Clear 1/4"	0.39	0.31	0.47	0.42
Double, Clear 1/4" + argon	0.37	0.30	0.45	0.41
Double, Low-e4 1/4"	0.36	0.30	0.44	0.41
Double, Low-e2 1/4"	0.35	0.29	0.43	0.40
Double, Low-e1 1/4"	0.24	0.28	0.41	0.39

PROPOSED

TABLE 10-6D
((DEFAULT U-FACTORS FOR GLAZED DOORS²))
Group R Occupancy: DEFAULT U-FACTORS FOR GLAZED DOORS
See Table 10-6C

Description ^{2,3,4,5}	((Door Material			
	Insulated ⁶		Wood ⁷	
	Full-Lite ^{4,9}	Half-Lite ^{10,11}	Full-Lite ³	Half-Lite ¹⁰
Double, Low-e4 1/4" + argon	0.33	0.28	0.41	0.39
Double, Low-e2 1/4" + argon	0.31	0.26	0.39	0.38
Double, Low-e1 1/4" + argon	0.31	0.26	0.38	0.37
Double, Clear 3/8"	0.37	0.30	0.45	0.41
Double, Clear 3/8" + argon	0.36	0.29	0.44	0.41
Double, Low-e4 3/8"	0.34	0.28	0.42	0.40
Double, Low-e2 3/8"	0.33	0.28	0.41	0.39
Double, Low-e1 3/8"	0.21	0.26	0.38	0.37
Double, Low-e4 3/8" + argon	0.32	0.27	0.40	0.38
Double, Low-e2 3/8" + argon	0.29	0.25	0.37	0.37
Double, Low-e1 3/8" + argon	0.29	0.25	0.36	0.36
Double, Clear 1/2"	0.36	0.29	0.44	0.41
Double, Clear 1/2" + argon	0.34	0.28	0.42	0.40
Double, Low-e4 1/2"	0.32	0.27	0.40	0.38
Double, Low-e2 1/2"	0.30	0.26	0.38	0.37
Double, Low-e1 1/2"	0.29	0.25	0.36	0.36
Double, Low-e4 1/2" + argon	0.30	0.26	0.38	0.37
Double, Low-e2 1/2" + argon	0.28	0.25	0.36	0.36
Double, Low-e1 1/2" + argon	0.28	0.24	0.34	0.35
Triple, Clear 1/4"	0.31	0.26	0.39	0.38
Triple, Clear 1/4" + argon	0.29	0.25	0.37	0.37
Triple, Low-e4 1/4"	0.30	0.26	0.38	0.37
Triple, Low-e2 1/4"	0.29	0.25	0.37	0.36
Triple, Low-e4 1/4" + argon	0.27	0.24	0.35	0.35
Triple, Low-e2 1/4" + argon	0.26	0.24	0.34	0.35

Footnotes to Table 10-6D

- 1 Subtract 0.02 from the listed default U-factor for insulated spacers. Insulated spacer material includes fiberglass, wood and butyl or other material with an equivalent Thermal performance.
- 2 1/4"= a minimum dead air space of 0.25 inches between the panes of glass.
 3/8"= a minimum dead air space of 0.375 inches between the panes of glass.
 1/2"= a minimum dead air space of 0.5 inches between the panes of glass.
 Products with air spaces different than those listed above shall use the value for next smaller air space; i.e. 3/4 inch= 1/2 inch U-factors, 7/16 inch= 3/8 inch U-factors, 5/16 inch= 1/4 inch U-factors.
- 3 Low-e4 (emissivity) shall be 0.4 or less.
 Low-e2 (emissivity) shall be 0.2 or less.
 Low-e1 (emissivity) shall be 0.1 or less.
- 4 U-factors listed for argon shall consist of sealed, gas-filled, insulated units for argon, CO2, SF6 and argon/SF6 mixtures.
 The following conversion factor shall apply to Krypton gas filled units:
 1/4 inch or greater airspace of Krypton gas fill= 1/2 inch air space Argon gas fill.

PROPOSED

Footnotes to Table 10-6D

- 5 ~~Dividers placed between glazing: The U factors listed shall be used where the divider has a minimum gap of 1/8 inch between the divider and lite of each inside glass surface. Add 0.03 to the listed U factor for True Divided Lite windows.~~
- 6 ~~Insulated= Any urethane insulated foam core door with a thermal break. Thermal Break= A thermal break door shall incorporate the following design characteristics:~~
 - a) ~~The thermal conductivity of the thermal break material shall be not more than 3.6 Btu-in/h-ft²-°F; and~~
 - b) ~~The thermal break material shall not be less than 0.210 inches.~~
- 7 ~~Wood= any wood door.~~
- 8 ~~Full Lite= A door that consists of more than 50% glazing.~~
- 9 ~~Add 0.05 to the listed U factor for Full Lite values if the insulated door does not have a thermal break.~~
- 10 ~~Half Lite= A door that consists of 50% or less glazing.~~
- 11 ~~Add 0.06 to the listed U factor for Half Lite values if the insulated door does not have a thermal break.))~~

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
Single Glazing glass acrylic/polycarb	U-1.58	U-1.51	U-1.40	U-1.18
	U-1.52	U-1.45	U-1.34	U-1.11
Double Glazing air argon	U-1.05	U-0.89	U-0.84	U-0.67
	U-1.02	U-0.86	U-0.80	U-0.64
Double Glazing, e=0.20 air argon	U-0.96	U-0.80	U-0.75	U-0.59
	U-0.91	U-0.75	U-0.70	U-0.54
Double Glazing, e=0.10 air argon	U-0.94	U-0.79	U-0.74	U-0.58
	U-0.89	U-0.73	U-0.68	U-0.52
Double Glazing, e=0.05 air argon	U-0.93	U-0.78	U-0.73	U-0.56
	U-0.87	U-0.71	U-0.66	U-0.50
Triple Glazing air argon	U-0.90	U-0.70	U-0.67	U-0.51
	U-0.87	U-0.69	U-0.64	U-0.48
Triple Glazing, e=0.20 air argon	U-0.86	U-0.68	U-0.63	U-0.47
	U-0.82	U-0.63	U-0.59	U-0.43
Triple Glazing, e=0.20 on 2 surfaces				

PROPOSED

TABLE 10-6E
Group R Occupancy: DEFAULT U-FACTORS FOR OVERHEAD GLAZING

Glazing Type	Frame Type			
	Aluminum without Thermal Break	Aluminum with Thermal Break	Reinforced Vinyl/ Aluminum-Clad Wood or Vinyl	Wood or Vinyl-Clad Wood/ Vinyl without Reinforcing
air	U-0.82	U-0.64	U-0.60	U-0.44
argon	U-0.79	U-0.60	U-0.56	U-0.40
Triple Glazing, e=0.10 on 2 surfaces				
air	U-0.81	U-0.62	U-0.58	U-0.42
argon	U-0.77	U-0.58	U-0.54	U-0.38
Quadruple Glazing, e=0.10 on 2 surfaces				
air	U-0.78	U-0.59	U-0.55	U-0.39
argon	U-0.74	U-0.56	U-0.52	U-0.36
krypton	U-0.70	U-0.52	U-0.48	U-0.32

1. U-factors are applicable to both glass and plastic, flat and domed units, all spacers and gaps.
2. Emissivities shall be less than or equal to the value specified.
3. Gap fill shall be assumed to be air unless there is a minimum of 90% argon or krypton.
4. Aluminum frame with thermal break is as defined in footnote 9 to Table 10-6B.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1007 Section 1007 Ceilings.

1007.1 General: Table 10-7 lists heat-loss coefficients for the opaque portion of exterior ceilings below vented attics, vaulted ceilings, and roof decks in units ((of Btu/hr·°F per square foot)) Btu/h·ft²·°F of ceiling.

They are derived from procedures listed in Standard ((RS-1)) RS-27, listed in Chapter 7. Ceiling U-factors are modified for the buffering effect of the attic, assuming an indoor temperature of 65° F and an outdoor temperature of 45° F.

1007.2 Component Description: The three types of ceilings are characterized as follows:

Ceilings Below a Vented Attic: Attic insulation is assumed to be blown-in, loose-fill fiberglass with a K-value of 2.6 hr·ft²·°F/Btu per inch. Full bag count for specified R-value is assumed in all cases. Ceiling dimensions for flat ceiling calculations are forty-five by thirty feet, with a gabled roof having a 4/12 pitch. The attic is assumed to vent naturally at the rate of three air changes per hour through soffit and ridge vents. A void fraction of 0.002 is assumed for all attics with insulation baffles. Standard-framed, un baffled attics assume a void fraction of 0.008.

Attic framing is either standard or advanced. Standard framing assumes tapering of insulation depth around the perimeter with resultant decrease in thermal resistance. An increased R-value is assumed in the center of the ceiling due to the effect of piling leftover insulation. Advanced framing assumes full and even depth of insulation extending to the

outside edge of exterior walls. Advanced framing does not change from the default value.

U-factors for flat ceilings below vented attics with standard framing may be modified with the following table:

Roof Pitch	U-Factor for Standard Framing	
	R-30	R-38
4/12	.036	.031
5/12	.035	.030
6/12	.034	.029
7/12	.034	.029
8/12	.034	.028
9/12	.034	.028
10/12	.033	.028
11/12	.033	.027
12/12	.033	.027

Vented scissors truss attics assume a ceiling pitch of 2/12 with a roof pitch of either 4/12 or 5/12. Un baffled standard framed scissors truss attics are assumed to have a void fraction of 0.016.

Vaulted Ceilings: Insulation is assumed to be fiberglass batts installed in roof joist cavities. In the vented case, at least 1.5-inches between the top of the batts and the underside of the roof sheathing is left open for ventilation in each cavity. A ventilation rate of ((three)) 3.0 air changes per hour is assumed. In the unvented or dense pack case, the ceiling cavity is assumed to be fully packed with insulation, leaving no space for ventilation.

PROPOSED

Roof Decks: Rigid insulation is applied to the top of roof decking with no space left for ventilation. Roofing materials are attached directly on top of the insulation. Framing members are often left exposed on the interior side.

Metal Truss Framing: Overall system tested values for the roof/ceiling U_o for metal framed truss assemblies from

approved laboratories shall be used, when such data is acceptable to the building official.

Alternatively, the U_o for roof/ceiling assemblies using metal truss framing may be obtained from Tables 10-7A, 10-7B, 10-7C, 10-7D and 10-7E.

**TABLE 10-7
DEFAULT U-FACTORS FOR CEILINGS**

Ceilings Below Vented Attics

	Standard Frame	Advanced Frame
Flat Ceiling	Baffled	
R-19	0.049	0.047
R-30	0.036	0.032
R-38	0.031	0.026
R-49	0.027	0.020
R-60	0.025	0.017
Scissors Truss		
R-30 (4/12 roof pitch)	0.043	0.031
R-38 (4/12 roof pitch)	0.040	0.025
R-49 (4/12 roof pitch)	0.038	0.020
R-30 (5/12 roof pitch)	0.039	0.032
R-38 (5/12 roof pitch)	0.035	0.026
R-49 (5/12 roof pitch)	0.032	0.020
Vaulted Ceilings		
	16" O.C.	24" O.C.
Vented		
R-19 2x10 joist	0.049	0.048
R-30 2x12 joist	0.034	0.033
R-38 2x14 joist	0.027	0.027
Unvented		
R-30 2x10 joist	0.034	0.033
R-38 2x12 joist	0.029	0.027
R-21 + R-21 2x12 joist	0.026	0.025
Roof Deck	4x Beams, 48" O.C.	
R-12.5 2" Rigid insulation	0.064	
R-21.9 3.5" Rigid insulation	0.040	
R-37.5 6" Rigid insulation	0.025	
R-50 8" Rigid insulation	0.019	

**Table 10-7A
Steel Truss¹ Framed Ceiling U_o**

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.1075	0.0991	0.0928	0.0878	0.0839	0.0807	0.0780	0.0757	0.0737	0.0720	0.0706	0.0693	0.0681
30	0.0907	0.0823	0.0760	0.0710	0.0671	0.0638	0.0612	0.0589	0.0569	0.0552	0.0538	0.0525	0.0513
38	0.0844	0.0759	0.0696	0.0647	0.0607	0.0575	0.0548	0.0525	0.0506	0.0489	0.0474	0.0461	0.0449
49	0.0789	0.0704	0.0641	0.0592	0.0552	0.0520	0.0493	0.0470	0.0451	0.0434	0.0419	0.0406	0.0395

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Table 10-7B
Steel Truss¹ Framed Ceiling U_O with R-3 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0809	0.0763	0.0728	0.0701	0.0679	0.0661	0.0647	0.0634	0.0623	0.0614	0.0606	0.0599	0.0592
30	0.0641	0.0595	0.0560	0.0533	0.0511	0.0493	0.0478	0.0466	0.0455	0.0446	0.0438	0.0431	0.0424
38	0.0577	0.0531	0.0496	0.0469	0.0447	0.0430	0.0415	0.0402	0.0392	0.0382	0.0374	0.0367	0.0361
49	0.0523	0.0476	0.0441	0.0414	0.0393	0.0375	0.0360	0.0348	0.0337	0.0328	0.0319	0.0312	0.0306

Table 10-7C
Steel Truss¹ Framed Ceiling U_O with R-5 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0732	0.0697	0.0670	0.0649	0.0633	0.0619	0.0608	0.0598	0.0590	0.0583	0.0577	0.0571	0.0567
30	0.0564	0.0529	0.0502	0.0481	0.0465	0.0451	0.0440	0.0430	0.0422	0.0415	0.0409	0.0403	0.0399
38	0.0501	0.0465	0.0438	0.0418	0.0401	0.0388	0.0376	0.0367	0.0359	0.0351	0.0345	0.0340	0.0335
49	0.0446	0.0410	0.0384	0.0363	0.0346	0.0333	0.0322	0.0312	0.0304	0.0297	0.0291	0.0285	0.0280

Table 10-7D
Steel Truss¹ Framed Ceiling U_O with R-10 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0626	0.0606	0.0590	0.0578	0.0569	0.0561	0.0555	0.0549	0.0545	0.0541	0.0537	0.0534	0.0531
30	0.0458	0.0437	0.0422	0.0410	0.0401	0.0393	0.0387	0.0381	0.0377	0.0373	0.0369	0.0366	0.0363
38	0.0394	0.0374	0.0359	0.0347	0.0337	0.0330	0.0323	0.0318	0.0313	0.0309	0.0305	0.0302	0.0299
49	0.0339	0.0319	0.0304	0.0292	0.0283	0.0275	0.0268	0.0263	0.0258	0.0254	0.0251	0.0247	0.0245

Table 10-7E
Steel Truss¹ Framed Ceiling U_O with R-15 Sheathing²

Cavity R-value	Truss Span (ft)												
	12	14	16	18	20	22	24	26	28	30	32	34	36
19	0.0561	0.0550	0.0541	0.0535	0.0530	0.0526	0.0522	0.0519	0.0517	0.0515	0.0513	0.0511	0.0509
30	0.0393	0.0382	0.0373	0.0367	0.0362	0.0358	0.0354	0.0351	0.0349	0.0347	0.0345	0.0343	0.0341
38	0.0329	0.0318	0.0310	0.0303	0.0298	0.0294	0.0291	0.0288	0.0285	0.0283	0.0281	0.0279	0.0278
49	0.0274	0.0263	0.0255	0.0249	0.0244	0.0239	0.0236	0.0233	0.0230	0.0228	0.0226	0.0225	0.0223

- 1 - Assembly values based on 24 inch on center truss spacing; 11 Truss member connections penetrating insulation (4 at the eaves, 7 in the interior space); 1/2 inch drywall ceiling; all truss members are 2x4 "C" channels with a solid web.
- 2 - Ceiling sheathing installed between bottom chord and drywall.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1008 Section 1008 Air infiltration.

1008.1 General: Tables 10-8 and ~~(10-9)~~ 10-8A list effective air change rates and heat capacities for heat loss due to infiltration for Group R occupancy.

Estimated seasonal average infiltration rate in air changes per hour (ACH) is given for standard air-leakage control (see section 502.4 of this code for air leakage requirements for Group R occupancy). The effective air-change rate shall be used in calculations for compliance under either the Component Performance or Systems Analysis approaches.

Heat loss due to infiltration shall be computed using the following equation:

$$Q_{infil} = ACH_{eff} * HCP$$

- where: Q_{infil} = Heat loss due to air infiltration
- ACH_{eff} = the effective air infiltration rate in Table 10-8
- HCP = the Heat Capacity Density Product for the appropriate elevation or climate zone as given below.

PROPOSED

**TABLE 10-8
ASSUMED EFFECTIVE AIR CHANGES
PER HOUR**

Air-Leakage Control Package	Air Changes per Hour	
	Natural	Effective
Standard	0.35	0.35

**TABLE ~~(10-9)~~ 10-8A
DEFAULT HEAT CAPACITY/DENSITY PRODUCT FOR AIR**

Zone	Average Elevation	Heat Capacity/Density
1	Mean Sea Level	0.0180 Btu/h•°F
2	2000	0.0168 Btu/h•°F
3	3000	0.0162 Btu/h•°F

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1009 Section 1009 Mass.

1009.1 General: ~~((Table))~~ Tables 10-9 and 10-10 list ~~((s))~~ default ~~((mass-values))~~ mass values for ~~((residential))~~ concrete masonry construction ~~((types))~~. ~~((AH))~~ Calculations are based on standard ASHRAE values for heat-storage capacity as listed in Standard ~~((RS-1))~~ RS-27, Chapter 24.

Thermal capacity of furniture is ignored, as is heat storage beyond the first four inches of mass thickness. All mass is assumed to be in direct contact with the conditioned space. Concrete separated from the heated volume by other materials must multiply the listed concrete mass value by the result of the following formula:

$$\ln(R\text{-value}) \times (-.221) + 0.5$$

Where:

Ln = Natural log

R-value = R-value of material covering concrete

Note: All default values for covered concrete slabs have been adjusted according to this procedure.

1009.2 Mass Description: Mass is divided into two types: Structural and additional.

Structural Mass: Includes heat-storage capacity of all standard building components of a typical residential structure, including floors, ceilings, and interior and exterior walls in Btu/ft²•°F of floor area. It also assumes exterior wall, interior wall and ceiling surface area approximately equals three times the floor area.

Additional Mass: Includes any additional building material not part of the normal structure, which is added specifically to increase the building's thermal-storage capability. This category includes masonry fireplaces, water or trombe walls, and extra layers of sheetrock. Coefficients are in Btu/ft²•°F of surface area of material exposed to conditioned space. The coefficient for water is Btu/°F•gallon.

1009.3 Component Description: Light frame assumes one inch thick wood flooring with five-eighths inch sheetrock on ceilings and interior walls, and walls consisting of either five-eighths inch sheetrock or solid logs. Slab assumes a four-inch concrete slab on or below grade, with five-eighths inch sheetrock on exterior and interior walls and ceiling, and with separate values for interior or exterior wall insulation. Adjustments for slab covering is based on R-value of material. Additional mass values are based on the density multiplied by the specific heat of the material adjusted for listed thickness.

**TABLE 10-9
HEAT CAPACITY**

	Partial Grout	Solid Grout
<u>8" CMU</u>	<u>9.65</u>	<u>15.0</u>
<u>12" CMU</u>	<u>14.5</u>	<u>23.6</u>
<u>8" Brick</u>	<u>10.9</u>	<u>16.4</u>
<u>6" Concrete</u>	<u>NA</u>	<u>14.4</u>

PROPOSED

**TABLE 10-10
DEFAULT MASS VALUES**

Structural Mass M-value	Btu/ft ² •°F floor area
Light Frame:	
Joisted/post & beam floor, sheetrock walls and ceilings	3.0
Joisted/post & beam floor, log walls, sheetrock ceilings	4.0
Slab With Interior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	10.0
Slab, hardwood floor covering, sheetrock walls and ceilings	7.0
Slab, carpet and pad, sheetrock walls and ceilings	5.0
Slab With Exterior Wall Insulation:	
Slab, no covering or tile, sheetrock walls and ceilings	12.0
Slab, hardwood floor covering, sheetrock walls and ceilings	9.0
Slab, carpet and pad, sheetrock walls and ceilings	7.0
Additional Mass M-Value:	
	Btu/ft²•°F surface area
Gypsum wallboard, 1/2 inch thickness	0.54
Gypsum wallboard, 5/8 inch thickness	0.68
Hardwood floor	1.40
Concrete/Brick, 4 inch-thickness	10.30
Concrete/Brick, 6 inch-thickness	15.40
	Btu/°F•gallon
Water, 1 gallon	8.0

**CHAPTER 12
DEFINITIONS**

Note: For nonresidential definitions, see Chapter 2.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1312 Glazing and doors.

1312.1 Standard Procedure for Determination of Glazing and Door U-Factors: U-Factors for glazing and doors shall be determined, certified and labeled in accordance with Standard RS-31 by a certified independent agency licensed by the National Fenestration Rating Council (NFRC). Compliance shall be based on the Residential or the Nonresidential Model Size. Product samples used for U-factor determinations shall be production line units or representative of units as purchased by the consumer or contractor. Unlabeled glazing and doors shall be assigned the default U-factor in Section 2006.

EXCEPTION: Field glazed site built fenestration systems U-factors determined by an NFRC accredited simulation laboratory are acceptable. Simulations shall be done in accordance with NFRC Standard 100. Simulation reports shall be submitted with building permit submittal.

1312.2 Solar Heat Gain Coefficient and Shading Coefficient: Solar Heat Gain Coefficient (SHGC), shall be determined, certified and labelled in accordance with the National Fenestration Rating Council (NFRC) Standard by a certified, independent agency, licensed by the NFRC.

EXCEPTION: Shading coefficients (SC) shall be an acceptable alternate for compliance with solar heat gain coefficient requirements. Shading coefficients for glazing shall be taken from Chapter 29 of RS-27 or from the manufacturer's test data.

PROPOSED

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1313 Moisture control.

1313.1 Vapor Retarders: Vapor retarders shall be installed on the warm side (in winter) of insulation as required by this section.

EXCEPTION: Vapor retarder installed with not more than 1/3 of the nominal R-value between it and the conditioned space.

1313.2 Roof/Ceiling Assemblies: Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve inches shall be provided with a vapor retarder. (For enclosed attics and enclosed rafter spaces see Section 1505.3 of the Washington State Building Code.) Roof/ceiling assemblies without a vented airspace, allowed only where neither the roof deck nor the roof structure are made of wood, shall provide a continuous vapor retarder with taped seams.

EXCEPTION: Vapor retarders need not be provided where all of the insulation is installed between the roof membrane and the structural roof deck.

1313.3 Walls: Walls separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.4 Floors: Floors separating conditioned space from unconditioned space shall be provided with a vapor retarder.

1313.5 Crawl Spaces: A ground cover of six mil (0.006 inch thick) black polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve inches minimum at the joints and shall extend to the foundation wall.

EXCEPTION: The ground cover may be omitted in crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of three and one-half inches.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1322 Opaque envelope. Roof/ceilings, opaque exterior walls, opaque doors, floors over unconditioned space, below grade walls, slab on grade floors, and radiant floors enclosing conditioned spaces shall be insulated according to Section 1311 and Tables 13-1 or 13-2. Compliance with nominal R-values shall be demonstrated for the thermal resistance of the added insulation in framing cavities and/or insulated sheathing only. Nominal R-values shall not include the thermal transmittance of other building materials or air films.

For metal frame assemblies used in spaces with electric resistance space heat, compliance shall be demonstrated with the component U-factor for the overall assembly based on the assemblies in Chapter 10.

EXCEPTIONS: 1. Opaque smoke vents are not required to meet insulation requirements.
2. The perimeter edge of an above grade floor slab which penetrates the exterior wall may be left uninsulated provided that the wall insulation is increased by R-2 above that required in Tables 13-1 and 13-2.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1323 Glazing. Glazing shall comply with Section 1312 and Tables 13-1 or 13-2. All glazing shall be, at a minimum, double glazing.

EXCEPTIONS: 1. Vertical glazing located on the display side of the street level story of a retail occupancy provided the glazing ~~((is double-glazed with a minimum 1/2 inch airspace and))~~ a is double-glazed with a minimum 1/2 inch airspace and with a low-e coating having a maximum emittance of e-0.40 or has an area weighted U-factor of 0.60 or less. (When this exception is used, there are no SHGC requirements) and,
b. does not exceed 75 percent of the gross exterior wall area of the ~~((street level story which does not exceed 20 feet in height:))~~ display side of the street level story. However, if the display side of the street level story exceeds 20 feet in height, then this exception may only be used for the first 20 feet of that story.

When this exception is utilized, separate calculations shall be performed for these sections of the building envelope and these values shall not be averaged with any others for compliance purposes. The 75 percent area may be exceeded on the street level, if the additional glass area is provided from allowances from other areas of the building.

2. Single glazing for ornamental, security, or architectural purposes shall be included in the percentage of the total glazing area, U-factor calculation and SHGC as allowed in the Tables 13-1 or 13-2. The maximum area allowed for the total of all single glazing is one percent of the gross exterior wall floor area.

1323.1 Area: The percentage of total glazing (vertical and overhead) area relative to the gross exterior wall area shall not be greater than the appropriate value from Tables 13-1 or 13-2 for the vertical glazing U-factor, overhead glazing U-factor and solar heat gain coefficient selected.

1323.2 U-Factor: The area-weighted average U-factor of vertical glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and solar heat gain coefficient. The area-weighted average U-factor of overhead glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and solar heat gain coefficient. U-factors for glazing shall be determined in accordance with Section 1312.

1323.3 Solar Heat Gain Coefficient: The area-weighted average solar heat gain coefficient of all glazing shall not be greater than that specified in Tables 13-1 or 13-2 for the appropriate area and U-factor.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1331 General. Buildings or structures whose design heat loss rate (UA_p) and solar heat gain coefficient rate ($SHGC \cdot A_p$) are less than or equal to the target heat loss rate (UA_t) and solar heat gain coefficient rate ($SHGC \cdot A_t$) shall be considered in compliance with this section. The stated U-factor, F-factor or allowable area of any component assembly, listed in Tables 13-1 or 13-2, such as roof/ceiling, opaque wall, opaque door, glazing, floor over conditioned space, slab on grade floor, radiant floor or

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opaque floor may be increased and the U-factor or F-factor for other components decreased, provided that the total heat gain or loss for the entire building envelope does not exceed the total resulting from compliance to the U-factors, F-factors or allowable areas specified in this section.

EXCEPTION: For buildings or structures utilizing the other space heat type (including heat pumps and VAV) compliance path, for the gross opaque wall, opaque door and glazing (vertical and overhead) area only, compliance may also be shown using the ENVSTD diskette version 2.1 (~~or later of Standard RS-9~~) of ASHRAE/IESNA Standard 90.1-1989, or an approved alternative, with the following additional requirements:
 1. Only the Exterior Wall Requirements portion of the ENVSTD computer program may be used under this exception.

2. Overhead glazing shall be added to vertical glazing, and shall be input as 1/4 north, 1/4 east, 1/4 south and 1/4 west facing.
3. Lighting loads shall be determined according to Table 15-1.
4. Equipment loads shall be determined from Table 3-1 of Standard RS-29.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1334 Solar heat gain coefficient rate calculations. Solar heat gain coefficient shall comply with Section 1323.3. The target SHGCA_t and the proposed SHGCA_p shall be calculated using Equation 13-3 and 13-4 and the corresponding areas and SHGCs from Table 13-1 or 13-2.

**Equation 13-1:
Target UA_{t(i)}**

$$UA_t = U_{rat}A_{rat} + U_{ograt}A_{ograt} + U_{ort}A_{ort} + U_{ogort}A_{ogort} + U_{wt}A_{wt} + U_{vgt}A_{vgt} + U_{dt}A_{dt} + U_{ft}A_{ft} + F_{st}P_{st} + U_{bgwt}A_{bgwt}$$

UA_t = The target combined specific heat transfer of the gross roof/ceiling assembly, exterior wall and floor area.

Where:

- U_{rat} = The thermal transmittance value for roofs over attics found in Table 13-1 or 13-2.
- U_{ograt} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{ort} = The thermal transmittance value for other roofs found in Table 13-1 or 13-2.
- U_{ogort} = The thermal transmittance for overhead glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{wt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
- U_{vgt} = The thermal transmittance value for vertical glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area.
- U_{dt} = The thermal transmittance value for opaque doors found in Table 13-1 or 13-2.
- U_{ft} = The thermal transmittance value for floors over unconditioned space found in Table 13-1 or 13-2.
- F_{st} = The F-factor for slab-on-grade and radiant slab floors found in Table 13-1 or 13-2.
- U_{bgwt} = The thermal transmittance value for opaque walls found in Table 13-1 or 13-2.
- A_{dt} = The proposed opaque door area, A_d.
- A_{ft} = The proposed floor over unconditioned space area, A_f.
- P_{st} = The proposed lineal feet of slab-on-grade and radiant slab floor perimeter, P_s.
- A_{bgwt} = The proposed below grade wall area, A_{bgw}.

and;

if the total amount of glazing area as a percent of gross exterior wall area does not exceed the maximum allowed in Table 13-1 or 13-2:

A_{rat} = The proposed roof over attic area, A_{ra}.

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A_{ograt}	=	The proposed overhead glazing area in roofs over attics, A_{ograt} .
A_{ort}	=	The proposed other roof area, A_{ort} .
A_{ogort}	=	The proposed overhead glazing area in other roofs, A_{ogort} .
A_w	=	The proposed opaque above grade wall area, A_w .
A_{vgt}	=	The proposed vertical glazing area, A_{vgt} .
or;		
if the total amount of glazing area as a percent of gross exterior wall area exceeds the maximum allowed in Table 13-1 or 13-2:		
A_{rat}	=	The greater of: the proposed roof over attic area, and the gross roof over attic area minus A_{ograt} .
A_{ograt}	=	The lesser of: proposed overhead glazing area in roofs over attics, and the maximum allowed glazing area from Table 13-1 or 13-2.
A_{ort}	=	The greater of: the proposed other roof area, and the gross other roof area minus A_{ogort} .
A_{ogort}	=	The lesser of: the proposed overhead glazing area in other roofs, and the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} .
A_w	=	The greater of: proposed opaque above grade wall area, and the gross exterior above grade wall area minus A_{dt} minus A_{vgt} .
A_{vgt}	=	The lesser of: the proposed vertical glazing area, and the maximum allowed glazing area from Table 13-1 or 13-2 minus A_{ograt} minus A_{ogort} .

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EQUATION 13-2
Proposed UA_p

$$UA_p = U_{ra}A_{ra} + U_{or}A_{or} + U_{og}A_{og} + U_wA_w + U_dA_d + U_{vg}A_{vg} + U_rA_r + F_sP_s + U_{bgw}A_{bgw}$$

Where:

- UA_p = The combined proposed specific heat transfer of the gross exterior wall, floor and roof/ceiling assembly area.
- U_{ra} = The thermal transmittance of the roof over attic area.
- A_{ra} = Opaque roof over attic area.
- U_{or} = The thermal transmittance of the other roof area.
- A_{or} = Opaque other roof area.
- U_{og} = The thermal transmittance for the overhead glazing
- A_{og} = Overhead glazing area.
- U_w = The thermal transmittance of the opaque wall area.
- A_w = Opaque above grade wall area (not including opaque doors).

- U_{vg} = The thermal transmittance of the vertical glazing area.
- A_{vg} = Vertical glazing area.
- U_d = The thermal transmittance value of the opaque door area.
- A_d = Opaque door area.
- U_f = The thermal transmittance of the floor over unconditioned space area.
- A_f = Floor area over unconditioned space.
- F_s = Slab-on-grade or radiant floor component F-factor.
- P_s = Lineal feet of slab-on-grade or radiant floor perimeter.
- U_{bgw} = The thermal transmittance value of the below grade wall area.
- A_{bgw} = Below grade wall area as defined in Tables 13-1 or 13-2.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

EQUATION 13-3

Target SHGCA_t

$$SHGCA_t = SHGC_t (A_{ograt} + A_{ogort} + A_{vgt})$$

Where:

$SHGCA_t$ = The target combined specific heat gain of the target glazing area.

$SHGC_t$ = The solar heat gain coefficient for glazing found in Table 13-1 or 13-2 which corresponds to the proposed total glazing area as a percent of gross exterior wall area, and

A_{ograt} , A_{ogort} , and A_{vgt} are defined under Equation 13-1.

EQUATION 13-4

Proposed SHGCA_p

$$SHGCA_p = SHGC_{og}A_{og} + SHGC_{vg}A_{vg}$$

Where:

$SHGCA_t$ = The combined proposed specific heat gain of the proposed glazing area.

$SHGC_{og}$ = The solar heat gain coefficient of the overhead glazing.

A_{og} = The overhead glazing area.

$SHGC_{vg}$ = The solar heat gain coefficient of the vertical glazing.

A_{vg} = The vertical glazing area.

PROPOSED

TABLE 13-1
BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 1
MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 1

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade ⁵
1. Electric resistance heat	R-38 or U=0.031	R-30 or U=0.034	R-19 or U=0.062(³)	U=0.60	R-30 or U=0.029	R-10 or F=0.54
2. All others including Heat pumps and VAV	R-30 or U=0.036	R-21 or U=0.050	R-11 or U=0.14	U=0.60	R-19 or U=0.056	R-10 or F=0.54

* Compliance with nominal prescriptive R-values requires wood framing.

MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 1

Glazing

Maximum Glazing Area as % of Wall	0% to 15%			>15% to 20%		>20% to 30%			>30% to 40%			
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.65	0.50	1.25	0.45

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) walls insulated on the interior shall use opaque wall values,
- b) walls insulated on the exterior shall use a minimum of R-10 insulation,
- c) those portions of below grade walls and footings that are more than 10 feet below grade, and not included in the gross exterior wall area, may be left uninsulated.

When complying by the component performance approach, Section 1331:

- a) walls insulated on the interior shall use the opaque wall values when determining U_{bgw1} ,
- b) walls insulated on the exterior shall use a target U-factor of $U=0.070$ for U_{bgw1} ,
- c) those portions of below grade walls and footings that are more than 10 feet below grade, and not included in the gross exterior wall area, need not be included when determining A_{bgw1} and A_{bgw} .

- 2. Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft² • °F, then the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 12. Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following:

Maximum Glazing Area as % of Wall	0 to 10 %			>10 to 15 %		>15% to 20 %			>20% to 25 %			
	Maximum U-Factor		Max. SHGC ⁴									
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.65	1.30	0.80	0.60	1.30	0.65

- 3. ~~(Metal Stud Walls: For metal stud construction U=0.11.)~~ Reserved.
- 4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Section 1210 for definition of Shading Coefficient).
- 5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F=0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F=0.78 maximum.

**TABLE 13-2
BUILDING ENVELOPE REQUIREMENTS
FOR CLIMATE ZONE 2**

**MINIMUM INSULATION R-VALUES OR
MAXIMUM COMPONENT U-FACTORS FOR ZONE 2**

Building Components

Space Heat Type	Components					
	Roofs Over Attic	All Other Roofs	Opaque Walls ^{1,2}	Opaque Doors	Floor Over Uncond Space	Slab On Grade
1. Electric resistance heat	R-38 or U=0.031	R-30 or U=0.034	R-24 or U=0.044 ⁽³⁾	U=0.60	R-30 or U=0.029	R-10 or F=0.54
2. All others including Heat pumps and VAV	R-38 or U=0.031	R-25 or U=0.040	R-19 or U=0.11	U=0.60	R-21 or U=0.047	R-10 or F=0.54

* Compliance with nominal prescriptive R-values requires wood framing.

**MAXIMUM GLAZING AREAS AND U-FACTORS AND
MAXIMUM GLAZING SOLAR HEAT GAIN COEFFICIENTS
FOR ZONE 2**

Glazing

Maximum Glazing Area as % of Wall	0% to 15%		>15% to 20%		>20% to 25%		>25% to 30%					
	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴	Maximum U-Factor		Max. SHGC ⁴			
	VG	OG		VG	OG		VG	OG				
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	PRESCRIPTIVE PATH NOT ALLOWED					
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.75	1.40	1.0	0.60	1.30	0.60	0.50	1.25	0.50

Footnotes

1. Below Grade Walls:

When complying by the prescriptive approach, Section 1322:

- a) walls insulated on the interior shall use opaque wall values,
- b) walls insulated on the exterior shall use a minimum of R-12 insulation,
- c) those portions of below grade walls and footings that are more than 10 feet below grade, and not included in the gross exterior wall area, may be left uninsulated.

When complying by the component performance approach, Section 1331:

- a) walls insulated on the interior shall use the opaque wall values when determining U_{bgwt} ,
- b) walls insulated on the exterior shall use a target U-factor of $U=0.061$ for U_{bgwt} ,
- c) those portions of below grade walls and footings that are more than 10 feet below grade, and not included in the gross exterior wall area, need not be included when determining A_{bgwt} and A_{bgw} .

- 2. **Concrete Masonry Walls:** If the area weighted heat capacity of the total opaque above grade wall is a minimum of 9.0 Btu/ft² • °F, then the U-factor may be increased to 0.19 for interior insulation and 0.25 for integral and exterior insulation for insulation position as defined in Chapter 12. Individual walls with heat capacities less than 9.0 Btu/ft² • °F and below grade walls shall meet opaque wall requirements listed above. Glazing shall comply with the following:

Maximum Glazing Area as % of Wall	0 to 5 %			>5 to 7 %			>7% to 10 %			>10% to 15 %		
	Maximum U-Factor		Max. SHGC ⁴									
	VG	OG		VG	OG		VG	OG		VG	OG	
1. Electric resistance heat	0.40	0.80	1.0	0.40	0.80	1.0	0.40	0.80	1.0	NOT ALLOWED		
2. All others including Heat pumps and VAV	0.90	1.45	1.0	0.60	1.30	0.70	0.50	1.25	0.50	0.40	0.80	0.40

3. ~~((Metal Stud Walls: For metal stud construction U=0.10.))~~ Reserved.
4. **SHGC (Solar Heat Gain Coefficient per Section 1312.2):** May substitute Maximum Shading Coefficient (SC) for SHGC (See Section 1210 for definition of Shading Coefficient).
5. **Radiant Floors:** Where insulation is required under the entire slab, radiant floors shall use a minimum of R-10 insulation or F=0.55 maximum. Where insulation is not required under the entire slab, radiant floors shall use R-10 perimeter insulation according to Section 1311.6 or F=0.78 maximum.

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.

~~by the building official. Exemptions shall be specific on a case-by-case basis and allowed only to the extent necessary to accommodate the special applications.))~~

PROPOSED

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1401 Scope. This section covers the determination of requirements, system and component performance, control requirements and duct construction.

WAC 51-11-1410 General requirements. The building mechanical system shall comply with Sections 1411 through 1415, Sections 1440 through 1442 and Sections 1450 through 1454, and with one of the following paths:

~~((EXCEPTION: Special applications, including but not limited to hospitals, laboratories, thermally sensitive equipment, and rooms designed to comply with the special construction and fire protection requirements of NFPA 75, "Standard for the Protection of Electronic Computer/Data Processing Equipment" may be exempt from the requirements of this section when approved~~

- a. Simple Systems (Packaged Unitary Equipment) Sections 1420 through 1424.
- b. Complex Systems Sections 1430 through 1438.
- c. Systems Analysis. See Section 1141.4.

FIGURE 14A
Mechanical Systems Compliance Paths

Section Number	Subject	Simple Systems Path	Complex Systems Path	Systems Analysis Option
1410	General Requirements	X	X	X
1411	HVAC Equipment Performance Requirements	X	X	X
1412	Controls	X	X	X
1413	Air Economizers	X	X	X
1414	Ducting Systems	X	X	X
1415	Piping Systems	X	X	X
1416	Completion Requirements	X	X	X
1420	Simple Systems (Packaged Unitary Equipment)	X		
1421	System Type	X		
1422	Controls	X		
1423	Economizers	X		
1424	Separate Air Distribution Systems	X		
1430	Complex Systems		X	
1431	System Type		X	
1432	Controls		X	
1433	Economizers		X	
1434	Separate Air Distribution Systems		X	

FIGURE 14A
Mechanical Systems Compliance Paths

Section Number	Subject	Simple Systems Path	Complex Systems Path	Systems Analysis Option
1435	Simultaneous Heating and Cooling		X	
1436	Heat Recovery		X	
1437	Electric Motor Efficiency		X	
1438	Variable Flow Systems		X	
RS-29	Systems Analysis			X
1440	Service Water Heating	X	X	X
1441	Water Heater Installation	X	X	X
1442	Shut Off Controls	X	X	X
1450	Heated Pools	X	X	X
1451	General	X	X	X
1452	Pool Water Heaters	X	X	X
1453	Controls	X	X	X
1454	Pool Covers	X	X	X

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AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1411 HVAC equipment performance requirements.

1411.1 General: Equipment shall have a minimum performance at the specified rating conditions not less than the values shown in Tables 14-1 through 14-3. If a certification program exists for a product covered in Tables 14-1 through 14-3, and it includes provisions for verification and challenge of equipment efficiency ratings, then the product shall be listed in the certification program.

1411.2 Rating Conditions: Cooling equipment shall be rated at ARI test conditions and procedures when available. Where no applicable procedures exist, data shall be furnished by the equipment manufacturer.

1411.3 Combination Space and Service Water Heating: For combination space and service water heaters with a principal function of providing space heat, the Combined Annual Efficiency (CAE) may be calculated by using ASHRAE Standard 124-1991. Storage water heaters used in combination space heat and water heat applications shall have either an Energy Factor (EF) or a Combined Annual Efficiency (CAE) of not less than the following:

	Energy Factor (EF)	Combined Annual Efficiency (CAE)
< 50 gallon storage	0.58	0.71
50 to 70 gallon storage	0.57	0.71
> 70 gallon storage	0.55	0.70

1411.4 Packaged Electric Heating and Cooling Equipment: Packaged electric equipment providing both heating and

cooling with a total cooling capacity greater than 20,000 Btu/h shall be a heat pump.

EXCEPTION: Unstaffed equipment shelters or cabinets used solely for personal wireless service facilities.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1412 Controls.

1412.1 Temperature Controls: Each system shall be provided with at least one temperature control device. Each zone shall be controlled by individual thermostatic controls responding to temperature within the zone. At a minimum, each floor of a building shall be considered as a separate zone.

1412.2 Deadband Controls: When used to control both comfort heating and cooling, zone thermostatic controls shall be capable of a deadband of at least 5 degrees F within which the supply of heating and cooling energy to the zone is shut off or reduced to a minimum.

EXCEPTIONS:

1. Special occupancy, special usage, or code requirements where deadband controls are not appropriate.
2. Buildings complying with Section 1141.4, if in the proposed building energy analysis, heating and cooling thermostat setpoints are set to the same temperature between 70 degrees F and 75 degrees F inclusive, and assumed to be constant throughout the year.
3. Thermostats that require manual changeover between heating and cooling modes.

1412.3 Humidity Controls: If a system is equipped with a means for adding moisture, a humidistat shall be provided.

1412.4 Setback and Shut-Off: HVAC systems shall be equipped with automatic controls capable of accomplishing a reduction of energy use through control setback or equipment shutdown during periods of non-use or alternate use of the spaces served by the system. The automatic controls shall

have a minimum seven-day clock and be capable of being set for seven different day types per week.

EXCEPTIONS: 1. Systems serving areas which require continuous operation at the same temperature setpoint.
2. Equipment with full load demands of 2 Kw (6,826 Btu/h) or less may be controlled by readily accessible manual off-hour controls.

1412.4.1 Dampers: Outside air intakes, exhaust outlets and relief outlets serving conditioned spaces shall be equipped with motorized dampers which close automatically when the system is off or upon power failure. Stair and elevator shaft vents shall be equipped with motorized dampers that are capable of being automatically closed during normal building operation and are interlocked to open as required by fire and smoke detection systems.

EXCEPTIONS: 1. Systems serving areas which require continuous operation.
2. Combustion air intakes.
3. Gravity (nonmotorized) dampers are acceptable in buildings less than 40 feet above finished grade in height.

1412.4.2 Optimum Start Controls: Heating and cooling systems with design supply air capacities exceeding 10,000 cfm shall have optimum start controls. Optimum start controls shall be designed to automatically adjust the start time of an HVAC system each day to bring the space to desired occupied temperature levels immediately before scheduled occupancy. The control algorithm shall, as a minimum, be a function of the difference between space temperature and occupied setpoint and the amount of time prior to scheduled occupancy.

1412.5 Heat Pump Controls: Unitary air cooled heat pumps shall include microprocessor controls that minimize supplemental heat usage during start-up, set-up, and defrost conditions. These controls shall anticipate need for heat and use compression heating as the first stage of heat. Controls shall indicate when supplemental heating is being used through visual means (e.g., LED indicators).

1412.6 Combustion Heating Equipment Controls: Combustion heating equipment with a capacity over 225,000 Btu/h shall have modulating or staged combustion control.

EXCEPTIONS: 1. Boilers.
2. Radiant heaters.

1412.7 Balancing: Each air supply outlet or air or water terminal device shall have a means for balancing, including but not limited to, dampers, temperature and pressure test connections and balancing valves.

1412.8 Enclosed Parking Garage Ventilation Controls: Garage ventilation fan systems with a total capacity greater than 30,000 cfm shall have both (a) and (b). Smaller systems shall have either (a) or (b).

a. An automatic control, with one or more sensors, that is capable of staging fans or modulating fan volume as required to maintain carbon monoxide (CO) concentration below a level of 50 ppm as stated in ASHRAE Standard 62. This option only applies to garages used predominantly by gasoline powered vehicles.

b. An automatic control that is capable of shutting off fans or reducing fan volume during periods when the garage is not in use. The system shall be equipped with at least one of the following:

i. An automatic timeclock that can start and stop the system under different schedules for seven different day-types per week, is capable of retaining programming and time setting during loss of power for a period of at least 10 h, and includes an accessible manual override that allows temporary operation of the system for up to 2 h.

ii. An occupant sensor.

See the Washington State Ventilation and Indoor Air Quality Code, Section 304.1, for other requirements for parking garage ventilation.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1414 Ducting systems.

1414.1 Sealing: Duct work which is designed to operate at pressures above 1/2 inch water column static pressure shall be sealed in accordance with Standard RS-18. Extent of sealing required is as follows:

1. Static pressure: 1/2 inch to 2 inches; seal transverse joints.
2. Static pressure: 2 inches to 3 inches; seal all transverse joints and longitudinal seams.
3. Static pressure: Above 3 inches; seal all transverse joints, longitudinal seams and duct wall penetrations.

Duct tape and other pressure sensitive tape shall not be used as the primary sealant where ducts are designed to operate at static pressures of 1 inch W.C. or greater.

1414.2 Insulation: Ducts and plenums that are constructed and function as part of the building envelope, by separating interior space from exterior space, shall meet all applicable requirements of Chapter 13. These requirements include insulation installation, moisture control, air leakage, and building envelope insulation levels. Unheated equipment rooms with combustion air louvers must be isolated from the conditioned space by insulating interior surfaces to a minimum of R-11 and any exterior envelope surfaces per Chapter 13. Outside air ducts serving individual supply air units with less than 2,800 cfm of total supply air capacity shall be insulated to a minimum of R-7 and are not considered building envelope. Other outside air duct runs are considered building envelope until they,

1. connect to the heating or cooling equipment, or
2. are isolated from the exterior with an automatic shut-off damper complying with Section 1412.4.1.

Once outside air ducts meet the above listed requirements, any runs within conditioned space (~~(must)~~) shall comply with Table 14-5 requirements.

Other ducts and plenums shall be thermally insulated per Table 14-5.

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- EXCEPTIONS: 1. Within the HVAC equipment.
2. Exhaust air ducts not subject to condensation.

OPTION 1:

3. Exposed ductwork within a ((space)) zone that serves that ((space-only)) zone.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1414 Ducting systems.

1414.1 Sealing: Duct work which is designed to operate at pressures above 1/2 inch water column static pressure shall be sealed in accordance with Standard RS-18. Extent of sealing required is as follows:

1. Static pressure: 1/2 inch to 2 inches; seal transverse joints.
2. Static pressure: 2 inches to 3 inches; seal all transverse joints and longitudinal seams.
3. Static pressure: Above 3 inches; seal all transverse joints, longitudinal seams and duct wall penetrations.

Duct tape and other pressure sensitive tape shall not be used as the primary sealant where ducts are designed to operate at static pressures of 1 inch W.C. or greater.

1414.2 Insulation: Ducts and plenums that are constructed and function as part of the building envelope, by separating interior space from exterior space, shall meet all applicable requirements of Chapter 13. These requirements include insulation installation, moisture control, air leakage, and building envelope insulation levels. Unheated equipment rooms with combustion air louvers must be isolated from the conditioned space by insulating interior surfaces to a minimum of R-11 and any exterior envelope surfaces per Chapter 13. Outside air ducts serving individual supply air units with less than 2,800 cfm of total supply air capacity shall be insulated to a minimum of R-7 and are not considered building envelope. Other outside air duct runs are considered building envelope until they,

1. connect to the heating or cooling equipment, or
2. are isolated from the exterior with an automatic shut-off damper complying with Section 1412.4.1.

Once outside air ducts meet the above listed requirements, any runs within conditioned space ((must)) shall comply with Table 14-5 requirements.

Other ducts and plenums shall be thermally insulated per Table 14-5.

- EXCEPTIONS: 1. Within the HVAC equipment.
2. Exhaust air ducts not subject to condensation.

OPTION 2:

3. Exposed ductwork within a ((space)) zone that serves that ((space)) zone only.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1415 Piping systems.

1415.1 Insulation: Piping shall be thermally insulated in accordance with Table 14-6.

EXCEPTION: Piping installed within unitary HVAC equipment.

Cold water pipes outside the conditioned space shall be insulated in accordance with Washington State Plumbing Code (chapter 51-26 WAC).

NEW SECTION**WAC 51-11-1416 Completion requirements.**

1416.1 Drawings: Construction documents shall require that within 90 days after the date of system acceptance, record drawings of the actual installation be provided to the building owner. Record drawings shall include as a minimum the location and performance data on each piece of equipment, general configuration of duct and pipe distribution system, including sizes, and the terminal air and water design flow rates.

1416.2 Manuals: Construction documents shall require an operating manual and maintenance manual be provided to the building owner. The manual shall be in accordance with industry accepted standards and shall include, at a minimum, the following:

1. Submittal data stating equipment size and selected options for each piece of equipment requiring maintenance.
2. Operation and maintenance manuals for each piece of equipment requiring maintenance, except equipment not furnished as part of the project. Required routine maintenance actions shall be clearly identified.
3. Names and addresses of at least one service agency.
4. HVAC controls system maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field determined set points shall be permanently recorded on control drawings at control devices, or, for digital control systems, in programming comments.

5. A complete narrative of how each system is intended to operate including suggested set points.

1416.3 System Balancing

1416.3.1 General: Construction documents shall require that all HVAC systems be balanced in accordance with generally accepted engineering standards. Air and water flow rates shall be measured and adjusted to deliver final flow rates within 10% of design rates, except variable flow distribution systems need not be balanced upstream of the controlling device (for example, VAV box or control valve). Construction documents shall require a written balance report be provided to the owner.

1416.3.2 Air System Balancing: Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp, fan speed shall be adjusted to meet design flow conditions.

1416.3.3 Hydronic System Balancing: Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the ability to measure pressure across the pump, or test ports at each side of each pump.

EXCEPTIONS: 1. Pumps with pump motors of 10 hp or less.

2. When throttling results in no greater than 5% of the nameplate horsepower draw above that required if the impeller were trimmed.

1416.4 Systems Commissioning

1416.4.1 Simple Systems: For simple systems, as defined in Section 1421, and for warehouses and semiheated spaces, HVAC control systems shall be tested to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accord with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accord with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

1416.4.2 Other Systems: All other HVAC control systems, and other automatically controlled systems for which energy consumption, performance, or mode of operation are regulated by this code, shall be tested to ensure that control devices, equipment and systems are calibrated, adjusted and operate in accord with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accord with approved plans and specifications.

1416.4.2.1 Documentation: Drawing notes shall require commissioning in accordance with this section. Drawing notes may refer to specifications for further commissioning requirements. Plans and specifications shall require tests mandated by this section be performed and the results recorded. Plans and specifications shall require preparation of preliminary and final reports of test procedures and results as described in 1416.4.2.2. Plans and specifications shall identify the following for each test:

1. Equipment and systems to be tested, including the extent of sampling tests,
2. Functions to be tested (for example calibration, economizer control, etc.),
3. Conditions under which the test shall be performed (for example winter design conditions, full outside air, etc.),
4. Measurable criteria for acceptable performance.

1416.4.2.2 Commissioning Reports

1416.4.2.2.1 Preliminary Commissioning Report: A preliminary commissioning report of test procedures and results shall be prepared. The preliminary report shall identify:

1. Deficiencies found during testing required by this section which have not been corrected at the time of report preparation and the anticipated date of correction.

2. Deferred tests which cannot be performed at the time of report preparation due to climatic conditions.

3. Climatic conditions required for performance of the deferred tests, and the anticipated date of each deferred test.

1416.4.2.2.2 Final Commissioning Report: A complete report of test procedures and results shall be prepared and filed with the owner.

1416.4.2.3 Acceptance: Buildings or portions thereof, required by this code to comply with this section, shall not be issued a final certificate of occupancy until such time that the building official determines that the preliminary commissioning report required by this section has been completed.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1423 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on single package unitary fan-cooling units having a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h.

The total capacity of all units without economizers shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (economizer) capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizer in a building.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1433 Economizers. Economizers meeting the requirements of Section 1413 shall be installed on the following systems:

- a. Single package unitary fan-cooling units with a supply capacity of greater than 1,900 cfm or a total cooling capacity greater than 54,000 Btu/h.
- b. Other individual fan-cooling units with a supply capacity of greater than 2,800 cfm or a total cooling capacity greater than 84,000 Btu/h.

The total capacity of all units smaller than a. or b. above without economizers installed after July 1, 1994, shall not exceed 240,000 Btu/h per building, or 10% of its aggregate cooling (~~(((economizer)))~~) capacity, whichever is greater. That portion of the equipment serving Group R occupancy is not included in determining the total capacity of all units without economizer in a building.

EXCEPTIONS: 1. Systems with air or evaporatively cooled condensers and that either one of the following (~~can be demonstrated to the satisfaction of the enforcing agency~~):

- a. Special outside air filtration and treatment, for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible.

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- b. The use of outdoor air cooling affects the operation of other systems (such as (~~humidification, dehumidification, and~~) supermarket refrigeration systems) so as to increase the overall building energy consumption.
2. Systems for which at least 75 percent of the annual energy used for mechanical cooling is provided from site-recovery or site-solar energy source.
3. A (~~water~~) liquid (e.g. water, glycol, etc.) economizer system, which is capable of cooling supply air by indirect evaporation. Such a system shall be designed and capable of being controlled to provide 100 percent of the expected system cooling load at outside air temperatures of 50 degrees F dry-bulb/45 degrees F wet-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside air temperatures.
4. Systems in which a liquid (e.g. water, glycol, etc.) economizer system is used and where dehumidification requirements cannot be met using outside air temperatures of 50°F dry-bulb / 45°F wet-bulb, but which satisfy 100% of the expected system cooling load at outside air temperatures of 45°F dry-bulb / 40°F wet-bulb as calculated in accordance with the procedures in Exception 3.
5. For spaces with a design heat-generating equipment load of greater than 30 Watts/ft² (such as electronic data centers), systems that utilize a liquid (e.g. water, glycol, etc.) for heat rejection and incorporate a liquid economizer circuit (such as a supplemental cooling coil or plate exchanger). Such a system shall be designed and capable of being controlled to provide 100% of the expected system cooling load at outside air temperatures of 35°F dry-bulb and below. For this calculation, all factors including solar and internal load shall be the same as those used for peak load calculations, except for the outside air temperatures.
6. For spaces with a design heat-generating equipment load of greater than 30 Watts/ft² (such as electronic data centers), systems with equipment having a refrigeration performance at standard rating conditions at least 15% higher than each of the applicable requirements (e.g. EER, IPLV, COP) in Tables 14-1 and 14-2.
7. Systems serving office buildings (90% minimum conditioned square footage is office occupancy) and complying with all of the following criteria:
- a. Consist of multiple water source heat pumps connected to a common water loop having a gas- or oil-fired central boiler or furnace providing heat to the loop and having a central cooling tower providing cooling to the loop.
- b. Have a minimum of 60% air economizer.
- c. Have water source heat pumps with an EER at least 15% higher for cooling than each of the applicable requirements (e.g. EER, IPLV, COP) in Tables 14-1 and 14-2.
- d. Have a gas- or oil-fired central boiler or furnace efficiency of 90% minimum, and
- e. Provide heat recovery with a minimum 50% heat recovery effectiveness to preheat the outside air supply, and with a bypass duct to remove the heat recovery coil from the airstream when heat recovery is not necessary. Fifty percent heat recovery effectiveness shall mean an increase in the outside air supply temperature at design heating conditions of one half the difference between the outdoor design air temperature and 65°F. Provision shall be made to bypass or control the heat recovery system to permit air economizer operation as required by Section 1433. Heat recovery energy may be provided from any site-recovered or site-solar source.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1435 Simultaneous heating and cooling. Systems which provide heating and cooling simultaneously to a zone are prohibited. Zone thermostatic and humidistatic controls shall be capable of operating in sequence the supply of heating and cooling energy to the zone. Such controls shall prevent:

- a. Reheating for temperature control.
- b. Recooling for temperature control.
- c. Mixing or simultaneous supply of air that has been previously mechanically heated and air that has been previously cooled, either by economizer systems (~~(, for all air in excess of that required by the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13))~~) or by mechanical refrigeration.
- d. Other simultaneous operation of heating and cooling systems to the same zone.
- e. Reheating for humidity control.

- EXCEPTIONS: (~~(1. Variable air volume systems which have fan-powered terminal units on the perimeter zones controlled to utilize plenum heat prior to new energy being used for morning warm-up; and which, during periods of occupancy, are designed to reduce the air supply to each zone to a minimum before reheating, recooling, or mixing takes place. The minimum volume of air from the main supply duct shall be no greater than the minimum required to meet ventilation requirements of the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).~~)
2. ~~Zones having special pressurization relationships or cross-contamination requirements.~~
 3. ~~Where at least 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered or site-solar energy source.~~
 4. ~~Zones where specific humidity levels are required.~~
 5. ~~Zones with a peak supply air quantity of 300 cfm or less.)~~
 1. ~~Zones for which the volume of air that is reheated, recooled, or mixed is no greater than the larger of the following:~~
 - i. ~~The volume of air required to meet the ventilation requirements of the Washington State Ventilation and Indoor Air Quality Code for the zone. For variable air volume systems, the minimum volume controller shall be certified by the manufacturer to be able to maintain this minimum flow rate within 10%. A copy of the manufacturer's certification, along with installation and calibration requirements shall be included with plans submitted for permit.~~
 - ii. ~~0.4 cfm/ft² of the zone conditioned floor area, provided that the temperature of the primary system air is, by design or through reset controls, 0-12°F below the design space heating temperature when outside air temperatures are below 60°F for reheat systems and the cold deck of mixing systems and 0-12°F above design space temperature when outside air temperatures are above 60°F for recooling systems and the hot deck of mixing systems. For multiple zone systems, each zone need not comply with this exception provided the average of all zones served by the~~

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- system that have both heating and cooling ability comply.
- iii. 300 cfm. This exception is for zones whose peak flow rate totals no more than 10% of the total fan system flow rate.
 - iv. Any higher rate that can be demonstrated, to the satisfaction of the building official, to reduce overall system annual energy usage by offsetting reheat/recool energy losses through a reduction in outdoor air intake in accordance with the multiple space requirements defined in ASHRAE Standard 62.
 2. Zones where special pressurization relationships, cross-contamination requirements, or code-required minimum circulation rates are such that variable air volume systems are impractical.
 3. Zones where at least 75% of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered (including condenser heat) or site solar energy source.
 4. Zones where specific humidity levels are required to satisfy process needs, such as computer rooms, museums, surgical suites, and buildings with refrigerating systems, such as supermarkets, refrigerated warehouses, and ice arenas.

OPTION 1:

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1438 Variable flow systems and system criteria. For fans and pumps greater than 10 horsepower, where the application involves variable flow, there shall be

1. ~~variable frequency drives or ((variable flow devices installed. Aacceptable variable flow devices include variable inlet vanes, variable blade pitch, and variable fan geometry. Throttling))~~

2. other controls and devices that will result in fan motor demand of no more than 0.45 HP/1000 CFM at 50% of design air volume for fans when static pressure set point equals 1/3 of the total design static pressure, based on manufacturer's test data; and 30% of design wattage at 50% of design water flow for pumps, based on manufacturer's test data. Variable inlet vanes, throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.

OPTION 2:

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1438 Variable flow systems and system criteria. For fans and pumps greater than 10 horsepower, where the application involves variable flow, there shall be

1. ~~variable frequency drives or ((variable flow devices installed. Aacceptable variable flow devices include variable inlet vanes, variable blade pitch, and variable fan geometry. Throttling valves (dampers), scroll dampers or bypass circuits shall not be allowed.))~~

2. other controls and devices that will result in fan motor demand of no more than 0.45 HP/1000 CFM at 50% of

design air volume for fans when static pressure set point equals 1/3 of the total design static pressure, based on manufacturer's test data; and 30% of design wattage at 50% of design water flow for pumps, based on manufacturer's test data.

NEW SECTION

WAC 51-11-1439 Exhaust hoods.

1439.1 Kitchen Hoods. Individual kitchen exhaust hoods larger than 5000 cfm shall be provided with make-up air sized so that at least 50% of exhaust air volume be (a) unheated or heated to no more than 60°F and (b) uncooled or cooled without the use of mechanical cooling.

EXCEPTIONS:

1. Where hoods are used to exhaust ventilation air which would otherwise exfiltrate or be exhausted by other fan systems.
2. Certified grease extractor hoods that require a face velocity no greater than 60 fpm.

1439.2 Fume Hoods. Each fume hood in buildings with fume hood systems having a total exhaust rate greater than 15,000 cfm shall include at least one of the following features:

(a) Variable air volume hood exhaust and room supply systems capable of reducing exhaust and make-up air volume to 50% or less of design values.

(b) Direct make-up (auxiliary) air supply equal to at least 75% of the exhaust rate, heated no warmer than 2°F below room set point, cooled to no cooler than 3°F above room set point, no humidification added, and no simultaneous heating and cooling used for dehumidification control.

(c) Heat recovery systems to precondition make-up air in accordance with Section 1436, without using any exception.

(d) Constant volume fume hood designed and installed to operate at less than 50 fpm face velocity.

NEW SECTION

WAC 51-11-1443 Pipe insulation. Piping shall be thermally insulated in accordance with Section 1415.1.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1454 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90 degrees F shall have a pool cover with a minimum insulation value of R-12.

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TABLE 14-1
Standard Rating Conditions and Minimum Performance for
Air Cooled Unitary Air Conditioners, Heat Pumps, Packaged Terminal Air Conditioners,
Warm Air Furnaces, Duct Furnaces and Unit Heaters

Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
Air Conditioners and Heat Pumps Cooling Ratings	$((\leq)) \leq 65,000$ Btu/h Cooling Capacity	Split Systems Single Package	NA NA	10.0 SEER 9.7 SEER	ARI 210/240- ((+989)) 94
	$((\geq)) \geq 65,000$ and $((\leq)) \leq 135,000$ Btu/h Cooling Capacity	((AH-Unitary)) <u>Air Conditioners</u> ((Standard-Ratings:)) <u>Heat Pumps</u>	((8-9)) 10.3 EER ((95°F db)) 10.1 EER	((8-3)) 10.6 IPLV ((80°F db)) 10.4 IPLV	
	$((\geq)) \geq 135,000$ and $((\leq 760,000)) \leq 240,000$ Btu/h ¹ Cooling Capacity	Air Conditioners Heat Pumps	((8-5)) 9.7 EER ((8-5)) 9.3 EER	((7-5)) 9.9 IPLV ((7-5)) 9.5 IPLV	ARI 340/360- ((+986)) 93 ARI 240/360-93
	$\geq 240,000$ and $< 760,000$ Btu/h Cooling Capacity	<u>Air Conditioners</u> <u>Heat Pumps</u>	<u>9.5 EER</u> <u>9.0 EER</u>	<u>9.7 IPLV</u> <u>9.2 IPLV</u>	
	$((\geq)) \geq 760,000$ Btu/h ¹ Cooling Capacity	Air Conditioners Heat Pumps	((8-2)) 9.2 EER ((8-7)) 9.0 EER	((7-5)) 9.4 IPLV ((7-5)) 9.2 IPLV	
Packaged Term. Air Conditioners & Heat Pumps Cooling Ratings	All Capacities	Air Conditioners ((and)) Heat Pumps Standard/Low Temp[:]	((10-0)) 12.5 - ((0-16)) 0.213 x Cap/1000) ³ EER <u>12.3 - (0.213 x Cap/1000) EER</u> 95°F	((12-2)) 14.7 - ((0-20)) 0.213 x Cap/1000) ^{2,3} EER <u>14.5 - (0.213 x Cap/1000) EER</u> 82°F	ARI 310/ 380- ((+990)) 93
Heat Pump Heating Ratings	$((\leq)) \leq 65,000$ Btu/h Cooling Capacity	Split Systems Single Package		6.8 HSPF 6.6 HSPF	ARI 210/240 -((+989)) 94 ARI ((365 -1986)) 340/360-93
	$((\geq)) \geq 65,000$ and $((\leq)) \leq 135,000$ Btu/h Cooling Capacity	All Unitary Standard Ratings:	((3-0)) 3.2 COP 47°F db/43°F wb	((2-0)) 2.2 COP 17°F db/15°F wb	
	$((\geq)) \geq 135,000$ Btu/h Cooling Capacity	Standard Ratings[:]	((2-9)) 3.1 COP 47°F db/43°F wb	2.0 COP 17°F db/15°F wb	
Packaged Term. Heat Pumps Heating Ratings	All Capacities	Heat Pumps ((Standard-Ratings:))	((2-9)) 3.2 - (0.026 x Cap/1000)³ [EER] [COP] ((47°F db/43°F wb))		ARI ((380 -1990)) 310/380-93
Warm Air Furnaces & Combination Furnace/A.C.	$< 225,000$ Btu/h	Gas and Oil Fired Seasonal Ratings[:]	80% E _t ⁴	78% AFUE ⁵	DOE 10 CFR Part430 AppN
	$((\geq)) \geq 225,000$ Btu/h	((Gas, Max-Rating⁶)) <u>Gas Fired</u> ((Gas, Min-Rating⁶))	80% ((E_t⁴)) E _c ⁵ ((78% E_t⁴))	NA ((NA))	ANSI Z21.47- ((+1983)) 1993
	$((\geq)) \geq 225,000$ Btu/h	((Oil, Max-Rating⁶)) <u>Oil-Fired</u> ((Oil, Min-Rating⁶))	81% E _t ⁴ ((81% E_t⁴))	NA ((NA))	UL 727-((+1986)) 94
Warm-Air Duct Furnaces and Unit Heaters	All Size Gas Duct Furnaces	((Max)) Rated Capacity ⁶ ((Min-Rated-Capacity⁶))	((78% E_t⁴)) 80% E _c ⁵ ((75% E_t⁴))	NA ((NA))	ANSI Z83.9- ((+1986)) 1990
	All Size Gas Unit Heaters	((Max)) Rated Capacity ⁶ ((Min-Rated-Capacity⁶))	((78% E_t⁴)) 80% E _c ⁵ ((74% E_t⁴))	NA ((NA))	ANSI Z83.8- ((+1985)) 1990
	All Size Oil Unit Heaters	((Max)) Rated Capacity ⁶ ((Min-Rated-Capacity⁶))	((81% E_t⁴)) 80% E _c ⁵ ((81% E_t⁴))	NA ((NA))	UL 731-((+1988)) 95

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- For units that have a heating section other than electric resistance heat, deduct 0.2 from all required EER's and IPLV's.
- For multi-capacity equipment the minimum performance shall apply to each step provided Multi-capacity refers to manufacturer published rating for more than one capacity mode allowed by the product's controls.
- Capacity (Cap) means the rated cooling capacity of the product in Btu/h in accordance with the cited ARI standard. If the unit's capacity is less than 7,000 Btu/h, use 7,000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.
- These values apply to non-NAECA equipment. See referenced standard for definition of Thermal efficiency (Et), (100% flue losses).
- E_c = combustion efficiency (100% less flue losses). See test procedure for detailed discussion.

TABLE 14-2
Standard Rating Conditions and Minimum Performance for
Water and Evaporatively Cooled Unitary Air Conditioners, Heat Pumps, Water Source and Ground Source
Heat Pumps, Condensing Units, and Water Chilling Packages

Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
((Evaporatively Cooled A/Cs & Heat Pumps Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ :	9.3 EER	8.5 IPLV	ARI 210/240-1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Outdoor Conditions: 95°F db/75°F wb	10.5 EER	9.7 IPLV	CTI 201-1986
Water Source Heat Pump Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[-]	9.3 EER 85°F ewt ²	10.2 EER 75°F ewt ²	ARI 320-1986
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[-]	10.5 EER 85°F ewt ²	NA	CTI 201-1986
Ground Water Heat Pump Cooling Ratings	<135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[-]	11.0 EER 70°F ewt ²	11.5 EER 50°F ewt ²	ARI 325-1985
Water-Cooled Unitary Air Conditioners Cooling Ratings	≤65,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[-]	9.3 EER 85°F ewt ²	8.3 IPLV 75°F ewt ²	ARI 210/240-1989
	>65,000 and ≤135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water[-]	10.5 EER 85°F ewt ²	NA	CTI 201-1986
Water/Evap Cooled Air Cond. and Heat Pumps Cooling Ratings	>135,000 Btu/h Cooling Capacity	Standard Conditions ¹ :	9.6 EER	9.0 IPLV	ARI 360-1986 CTI 201-1986
Air and Water/Evap Cooled Condensing Units Cooling Ratings ³	>135,000 Btu/h Cooling Capacity	Air-Cooled	9.9 EER	11.0 IPLV	ARI 365-1987
		Water/Evap Cooled	12.9 EER	12.9 IPLV	CTI 201-1986
Air and Water Cooled Water Chilling Packages Cooling Ratings	<150 Tons	Water-Cooled	3.8 COP	3.9 IPLV	ARI 550-90
	≥150 and <300 Tons		4.2 COP	4.5 IPLV	ARI 590-86pN
	≥300 Tons		5.2 COP ⁴	5.3 IPLV ⁴	CTI 201-1986
	<150 Tons	Air-Cooled with Condenser	2.7 COP	2.8 IPLV	
	≥150 Tons		2.5 COP	2.5 IPLV	
	All Capacities	Air-Cooled Condenserless	3.1 COP	3.2 IPLV	
Water & Ground Water Source Heat Pumps Heating Ratings	<135,000 Btu/h Cooling Capacity	Water Source Standard Conditions ¹ :	3.8 COP 70°F ewt ²	NA NA	ARI 320-1986
		Ground Water Source Standard Conditions ¹ :	3.4 COP 70°F ewt ²	3.0 COP 50°F ewt ²	ARI 325-1985))
Water & Evaporatively Cooled A/Cs	<65,000 Btu/h Cooling Capacity	Split System and Single Package	12.1 EER	11.2 IPLV	ARI 210/240-94
	>65,000 and <135,000 Btu/h Cooling Capacity	Split System and Single Package	11.5 EER	10.6 IPLV	
	>135,000 Btu/h Cooling Capacity	Split System and Single Package	11.0 EER	10.3 IPLV	ARI 340/360-93
Water Source Heat Pump Cooling Ratings	≤17,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water	11.2 EER 86°F ewt ²	NA	ARI/ISO 13256-1
	>17,000 and <135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water	12.0 EER 86°F ewt ²	NA	

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Equipment Type & Rating	Category	Sub-category & Rating Conditions	Minimum Rating		Standard
			Steady State	Seasonal or Part Load	
Ground Water Source Heat Pump (Cooling)	<135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water	16.2 EER 59°F ewt ²	NA	ARI/ISO 13256-1
Ground Source Heat Pump (Cooling)	<135,000 Btu/h Cooling Capacity	Standard Conditions ¹ : Entering Water	13.4 EER 77°F ewt ²	NA	ARI/ISO 13256-1
Air and Water/ Evap. Cooled Condensing Units Cooling Ratings ³	≥135,000 Btu/h Cooling Capacity	Air Cooled	10.1 EER	11.2 IPLV	ARI 365-94
		Water/Evap. Cooled	13.1 EER	13.1 IPLV	
Water Cooled, Water Chilling Packages	All Capacities	Reciprocating	4.2 COP	4.65 IPLV	ARI 550-92
	<150 Tons	Water Cooled, Rotary, Screw and Scroll	4.45 COP	4.5 IPLV	ARI 550-92 or ARI 590-92
	>150 Tons and <300 Tons		4.9 COP 5.5 COP	4.95 IPLV 5.6 IPLV	
	>300 Tons		5.0 COP 5.55 COP 6.10 COP	5.0 IPLV 5.55 IPLV 6.10 IPLV	
	<150 Tons >150 Tons and <300 Tons >300 Tons	Water Cooled, Centrifugal			
Air Cooled Water Chilling Packages	All Capacities	Air Cooled with condenser	2.8 COP	2.8 IPLV	
	All Capacities	Air Cooled, condenserless	3.1 COP	3.1 IPLV	
Water & Ground-Water Source Heat Pumps Heating Ratings	<135,000 Btu/h Cooling Capacity	Water Source	4.2 COP	NA	ARI/ISO 13256-1
		Standard Conditions ¹ :	68°F ewt ²	NA	
		Ground Water Source	3.6 COP	NA	ARI/ISO 13256-1
		Standard Conditions ¹ :	50°F ewt ²		
		Ground Source	3.1 COP	NA	ARI/ISO 13256-1
		Standard Conditions	32°F ewt ²		

1. Standard Indoor Conditions: 80°F dry bulb and 67°F wet bulb.
2. ewt: Entering Water Temperature for water cooled heat pumps and air conditioners.
3. Condensing unit requirements are based on single - number rating defined in paragraph 5.1.3.2 of ARI Standard 365.
- ((4. These requirements are reduced to 4.7 COP and 4.8 IPLV, where refrigerants with ozone depletion factors of 0.05 or less are used. No reduction is allowed for standard design systems analyzed under RS-29.))

TABLE 14-3
Standard Rating Conditions and Minimum Performance,
Gas- and Oil-Fired Boilers

Reference	Category	Rating Condition	Minimum Performance
((DOE Test Procedure 10-CFR, Part 430 AppN	Gas Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ⁺³
	Oil Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ⁺
ANSI Z21.13-87 H.I. Htg. Boiler Std. 86 ASME PTC4.1-64 U.L. 795-73	Gas Fired ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 80%
		2. Min. Rated Capacity ² Steady-State	E _c ⁴ 80%
U.L. 726-75 H.I. Htg. Boiler Std. 86 ASME PTC4.1-64	Oil Fired ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 83%
		2. Min. Rated Capacity ² Steady-State	E _c ⁴ 83%
H.I. Htg. Boiler Std. 86 ASME PTC4.1-64	Oil-Fired (Residual) ≥300,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 83%
		2. Min. Rated Capacity ² Steady-State	E _c ⁴ 83%))

Reference	Category	Rating Condition	Minimum Performance
DOE Test Procedure 10 CFR, Part 430 AppN	Gas-Fired <300,000 Btu/h	Seasonal Rating, Hot Water	AFUE 80% ^{1,3}
H.I. Htg. Boiler Std. 86	Gas-Fired >300,000 Btu/h & <2,500,000 Btu/h	Seasonal Rating, Steam	AFUE 75%
		1. Max. Rated Capacity ² Steady-State	E _c ⁴ 75%
	Gas-Fired >2,500,000 Btu/h	1. Rated Capacity ² Steady-State, Hot Water or Steam	E _c ⁴ 80%
DOE Test Procedure 10 CFR, Part 430, AppN	Oil-Fired <300,000 Btu/h	Seasonal Rating	AFUE 80% ⁴
U.L. 726-75 H.I. Htg. Boiler Std. 86	Oil-Fired >300,000 Btu/h & <2,500,000 Btu/h	1. Max. Rated Capacity ² Steady-State	E _c ⁴ 78%
	Oil-Fired >2,500,000 Btu/h	Rated Capacity ² Steady-State, Hot Water or Steam	E _c ⁴ 83%
H.I. Htg. Boiler Std. 86	Oil-Fired (Residual) >300,000 Btu/h and <2,500,000	1. Rated Capacity ² Steady-State	E _c ⁴ 78%
	Oil-Fired (Residual) >2,500,000 Btu/h	2. Rated Capacity ² Steady-State, Hot Water or Steam	E _c ⁴ 83%

1. To be consistent with National Appliance Energy Conservation Act of 1987 (P.L. 100-12).
2. Provided and allowed by the controls.
3. Except for gas-fired steam boilers for which minimum AFUE is 75%.
4. E_c = combustion efficiency, 100% - flue losses. E_c = Thermal efficiency. See reference document for detailed information.

TABLE 14-4
Energy Efficient Electric Motors
Minimum Nominal Full-Load Efficiency

Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
1.0	-	82.5	80.0	75.5	82.5	80.0
1.5	82.5	84.0	84.0	82.5	84.0	85.5
2.0	84.0	84.0	85.5	84.0	84.0	86.5
3.0	84.0	86.5	86.5	85.5	87.5	87.5
5.0	85.5	87.5	87.5	87.5	87.5	87.5
7.5	87.5	88.5	88.5	88.5	89.5	89.5
10.0	88.5	89.5	90.2	89.5	89.5	89.5
15.0	89.5	91.0	90.2	90.2	91.0	90.2
20.0	90.2	91.0	91.0	90.2	91.0	90.2
25.0	91.0	91.7	91.7	91.0	92.4	91.7
30.0	91.0	92.4	92.4	91.0	92.4	91.7
40.0	91.7	93.0	93.0	91.7	93.0	93.0
50.0	92.4	93.0	93.0	92.4	93.0	93.0
60.0	93.0	93.6	93.6	93.0	93.6	93.6

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Synchronous Speed (RPM)	Open Motors			Closed Motors		
	3,600	1,800	1,200	3,600	1,800	1,200
HP	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency	Efficiency
75.0	93.0	94.1	93.6	93.0	94.1	93.6
100.0	93.0	94.1	94.1	93.6	94.5	94.1
125.0	93.6	94.5	94.1	94.5	94.5	94.1
150.0	93.6	95.0	94.5	94.5	95.0	95.0
200.0	94.5	95.0	94.5	95.0	95.0	95.0

TABLE 14-5
Duct Insulation

Duct Type	Duct Insulation	Insulation R-Value	Other Requirements
Supply, Return	Not within conditioned space: On exterior of building, on roof, in attic, in enclosed ceiling space, in walls, in garage, in crawl spaces	R-7	Approved weather proof barrier
Outside air intake	Within conditioned space	R-7	See Section 1414.2
Supply, Return, Outside air intake	Not within conditioned space: in concrete, in ground	R-5.3	
Supply with supply air temperature <55°F or >105°F	Within conditioned space	R-3.3	

Note: Requirements apply to both supply and return ducts, whether heated or mechanically cooled. Mechanically cooled ducts requiring insulation shall have a vapor retarder, with a perm rating not greater than 0.5 and all joints sealed.

TABLE 14-6
Minimum Pipe Insulation (inches)¹

Fluid Design Operating Temp. Range, °F	Insulation Conductivity		Nominal Pipe Diameter (in.)					
	Conductivity Range Btu • in. / (h • ft ² • °F)	Mean Rating Temp. °F	Runouts ² up to 2	1 and less	>1 to 2	>2 to 4	>4 to 6	>6
Heating systems (Steam, Steam Condensate[,] and Hot water)			Nominal Insulation Thickness					
Above 350	0.32-0.34	250	1.5	2.5	2.5	3.0	3.5	3.5
251-350	0.29-0.31	200	1.5	2.0	2.5	2.5	3.5	3.5
201-250	0.27-0.30	150	1.0	1.5	1.5	2.0	2.0	3.5
141-200	0.25-0.29	125	0.5	1.5	1.5	1.5	1.5	1.5
105-140	0.24-0.28	100	0.5	1.0	1.0	1.0	1.5	1.5
Domestic and Service Hot Water Systems								
105 and Greater	0.24-0.28	100	0.5	1.0	1.0	1.5	1.5	1.5
Cooling Systems (Chilled Water, Brine[,] and Refrigerant)								
40-55	0.23-0.27	75	0.5	0.5	0.75	1.0	1.0	1.0
Below 40	0.23-0.27	75	1.0	1.0	1.5	1.5	1.5	1.5

- Alternative Insulation Types. Insulation thicknesses in Table 14-6 are based on insulation with thermal conductivities within the range listed in Table 14-6 for each fluid operating temperature range, rated in accordance with ASTM C 335-84 at the mean temperature listed in the table. For insulation that has a conductivity outside the range shown in Table 14-6 for the applicable fluid operating temperature range at the mean rating temperature shown (when rounded to the nearest 0.01 Btu • in./(h•ft²•°F)), the minimum thickness shall be determined in accordance with the following equation:

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$$T = PR \left[\left(\frac{1}{PR} + \frac{t}{PR} \right)^{K/k} - 1 \right]$$

Where

T= Minimum insulation thickness for material with conductivity K, inches.

PR=Pipe actual outside radius, inches[.]

t= Insulation thickness from Table 14-6, inches

K= conductivity of alternate material at the mean rating temperature indicated in Table 14-6 for the applicable fluid temperature range, Btu • in[.]/(h•ft² •°F)

k= the lower value of the conductivity range listed in Table 14-6 for the applicable fluid temperature range, Btu • in[.]/(h • ft² • °F)

2. Runouts to individual terminal units not exceeding 12 ft. in length.

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

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1512 Exempt lighting.

1512.1 Exempt Spaces: The following rooms, spaces, and areas, are exempt from the lighting power requirements in Sections 1520 and 1530 but shall comply with all other requirements of this chapter.

1. Areas in which medical or dental tasks are performed.
2. High risk security areas or any area identified by building officials as requiring additional lighting.
3. Spaces designed for primary use by the visually impaired, hard of hearing (lip-reading) or by senior citizens.
4. Food preparation areas.
5. Outdoor manufacturing, greenhouses, and processing areas.
6. Electrical/mechanical equipment rooms.
7. Outdoor athletic facilities.
8. Inspection and restoration areas in galleries and museums.
9. The sanctuary portion of a house of worship, defined as the space or room where the worship service takes place. Classrooms, meeting rooms, offices and multipurpose rooms that are part of the same facility are not exempt.

1512.2 Exempt Lighting Equipment: The following lighting equipment and tasks are exempt from the lighting requirements of Section 1520 and need not be included when calculating the installed lighting power under Section 1530 but shall comply with all other requirements of this chapter. All other lighting in areas that are not exempted by Section 1512.2, where exempt tasks and equipment are used, shall comply with all of the requirements of this chapter.

1. Special lighting needs for research.
2. Emergency lighting that is automatically OFF during normal building operation.
3. Lighting integral to signs, and permanently ballasted lighting fixtures for walkways and pathways.
4. Lighting that is part of machines, equipment or furniture.
5. Lighting that is used solely for indoor plant growth during the hours of 10:00 p.m. to 6:00 a.m.

6. Lighting for theatrical productions, television broadcasting (including sports facilities), audio-visual presentations, and special effects lighting for stage areas and dance floors in entertainment facilities.
7. Lighting for art exhibits, non-retail displays, portable plug in display fixtures, and show case lighting.
8. Exterior lighting for public monuments.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1513 Lighting controls. Lighting, including exempt lighting in Section 1512, shall comply with this section. Where occupancy sensors are cited, they shall have the features listed in 1513.6.1. Where automatic time switches are cited, they shall have the features listed in 1513.6.2.

1513.1 Local Control and Accessibility: Each space, enclosed by walls or ceiling-height partitions, shall be provided with lighting controls located within that space. The lighting controls, whether one or more, shall be capable of turning off all lights within the space. The controls shall be readily accessible, at the point of entry/exit, to personnel occupying or using the space.

EXCEPTIONS: The following lighting controls may be centralized in remote locations:

1. Lighting controls for spaces which must be used as a whole.
2. Automatic controls.
3. Controls requiring trained operators.
4. Controls for safety hazards and security.

1513.2 Area Controls: The maximum lighting power that may be controlled from a single switch or automatic control shall not exceed that which is provided by a twenty ampere circuit loaded to not more than eighty percent. A master control may be installed provided the individual switches retain their capability to function independently. Circuit breakers may not be used as the sole means of switching.

EXCEPTIONS:

1. Industrial or manufacturing process areas, as may be required for production.
2. Areas less than five percent of footprint for footprints over 100,000 square feet.

1513.3 Daylight Zone Control: All daylighted zones, as defined in Chapter 12, both under overhead glazing and adjacent to vertical glazing, shall be provided with individual controls, or daylight-or occupant-sensing automatic controls, which control the lights independent of general area lighting.

Contiguous daylight zones adjacent to vertical glazing are allowed to be controlled by a single controlling device

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provided that they do not include zones facing more than two adjacent cardinal orientations (i.e. north, east, south, west), Daylight zones under overhead glazing more than 15 feet from the perimeter shall be controlled separately from daylight zones adjacent to vertical glazing.

EXCEPTION: Daylight spaces enclosed by walls or ceiling height partitions and containing 2 or fewer light fixtures are not required to have a separate switch for general area lighting.

1513.4 Display, Exhibition, and Specialty Lighting Controls: All display, exhibition, or specialty lighting shall be controlled independently of general area lighting.

1513.5 Automatic Shut-Off Controls, Exterior: Exterior lighting not intended for 24-hour continuous use shall be automatically switched by timer, photocell, or a combination of timer and photocell. Automatic time switches must also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

1513.6 Automatic Shut-Off Controls, Interior: Office buildings greater than ~~((25,000))~~ 5,000 sq. ft. and all school classrooms shall be equipped with separate automatic controls to shut off the lighting during unoccupied hours. Automatic controls may be an occupancy sensor, time switch, or other device capable of automatically shutting off lighting.

EXCEPTIONS:

1. Areas that must be continuously illuminated, or illuminated in a manner requiring manual operation of the lighting.
2. Emergency lighting systems.
3. Switching for industrial or manufacturing process facilities as may be required for production.

1513.6.1 Occupancy Sensors: Occupancy sensors shall be capable of automatically turning off all the lights in an area, no more than 30 minutes after the area has been vacated.

1513.6.2 Automatic Time Switches: Automatic time switches shall have a minimum 7 day clock and be capable of being set for 7 different day types per week and incorporate an automatic holiday "shut-off" feature, which turns off all loads for at least 24 hours and then resumes normally scheduled operations. Automatic time switches shall also have program back-up capabilities, which prevent the loss of program and time settings for at least 10 hours, if power is interrupted.

Automatic time switches shall incorporate an over-ride switching device which:

- a. is readily accessible;
- b. is located so that a person using the device can see the lights or the areas controlled by the switch, or so that the area being illuminated is annunciated; and
- c. is manually operated;
- d. allows the lighting to remain on for no more than two hours when an over-ride is initiated; and
- e. controls an area not exceeding 5,000 square feet or 5 percent of footprint for footprints over 100,000 square feet, whichever is greater.

1513.7 Commissioning Requirements: For lighting controls which include daylight or occupant sensing automatic controls, automatic shut-off controls, occupancy sensors, or automatic time switches, the lighting controls shall be tested

to ensure that control devices, components, equipment and systems are calibrated, adjusted and operate in accord with approved plans and specifications. Sequences of operation shall be functionally tested to ensure they operate in accord with approved plans and specifications. A complete report of test procedures and results shall be prepared and filed with the owner. Drawing notes shall require commissioning in accordance with this paragraph.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1521 Prescriptive interior lighting requirements. Spaces for which the Unit Lighting Power Allowance in Table 15-1 is 0.8 watts per square foot or greater may use unlimited numbers of lighting fixtures and lighting energy, provided that the installed lighting fixtures ~~((are))~~ comply with all four of the following criteria:

- a. one- or two-lamp (but not three-or more lamp);
- b. non-lensed, fluorescent fixtures;
- c. fitted with type T-1, T-2, T-4, T-5, T-6, T-8 ~~((or PL type))~~ or compact fluorescent lamps from 5 to 50 watts (but not T-10 or T-12 lamps); and
- d. electronic ballasts (electronic ballasts that screw into medium base sockets do not comply with this section).

EXCEPTION:

1. Up to a total of 5 percent of installed lighting fixtures need not be ballasted and may use any type of lamp.
2. Clear safety lenses are allowed in food prep and serving areas and patient care areas in otherwise compliant fixtures.
3. Exit lights are not included in the count of fixtures provided that they do not exceed 5 Watts per fixture and are light emitting diode (LED) type or T-1 fluorescent type only. (See the Uniform Fire Code for face illumination footcandle requirements and other requirements.)

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-1530 Lighting power allowance option. The installed lighting wattage shall not exceed the lighting power allowance. Lighting wattage includes lamp and ballast wattage. Wattage for fluorescent lamps and ballasts shall be tested per ANSI Standard C82.2-1984.

The wattage used for any unballasted fixture shall be the maximum UL listed wattage for that fixture regardless of the lamp installed. The wattage used for track lighting shall be:

- a. for line voltage track, 50 watts per lineal foot of track or actual luminaire wattage, whichever is greater
- b. for low voltage track, 25 watts per lineal foot of track or the VA rating of the transformer, whichever is greater.

No credit towards compliance with the lighting power allowances shall be given for the use of any controls, automatic or otherwise.

Exit lights that are 5 Watts or less per fixture shall not be included in the lighting power allowance calculations. Other exit lights shall be included in the lighting power allowance calculations.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1531 Interior lighting power allowance.

The interior lighting power allowance shall be calculated by multiplying the gross interior floor area, in square feet, by the appropriate unit lighting power allowance, in watts per square foot, for the use as specified in Table 15-1. Accessory uses, including corridors, lobbies and toilet facilities shall be included with the primary use.

~~((If multiple uses are intended,))~~ The lighting power allowance for each ~~((type of))~~ use shall be separately calculated and summed to obtain the interior lighting power allowance.

In cases where a lighting plan for only a portion of a building is submitted, the interior lighting power allowance shall be based on the gross interior floor area covered by the plan. Plans submitted for common areas only, including corridors, lobbies and toilet facilities shall use the lighting power allowance for common areas in Table 15-1.

When insufficient information is known about the specific use of the space, the allowance shall be based on the apparent intended use of the space.

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-1532 Exterior lighting power allowance.

The exterior lighting power allowance shall be the sum of the calculated allowances for parking, outdoor areas and building exteriors. The lighting allowance for covered parking, open parking and outdoor areas that are illuminated shall be 0.20 watts per square foot. The lighting allowance for building exteriors shall be calculated either by multiplying the building facade area by 0.25 watts per square foot or multiplying the building perimeter in feet by 7.5 watts per linear foot.

EXCEPTIONS:

1. Group ~~((M))~~ U occupancy accessory to Group R-3 occupancy.
2. For covered parking, 0.30 w/sf may be used for the lighting provided that the ceilings and walls are painted or stained with a reflectance value of 0.70 or higher.

TABLE 15-1
Unit Lighting Power Allowance (LPA)

Use ¹	LPA ² (watts/sq. ft.)
Painting, welding, carpentry, machine shops	2.3
Barber shops, beauty shops	2.0
Hotel banquet/conference/exhibition hall ^{3,4}	2.0
Laboratories	2.0
Aircraft repair hangars	1.5
Cafeterias, fast food establishments ⁵	1.5
Factories, workshops, handling areas	1.5
Gas stations, auto repair shops ⁶	1.5
Institutions	1.5
Libraries ⁵	1.5

Use ¹	LPA ² (watts/sq. ft.)
Nursing homes and hotel/motel guest rooms	1.5
Retail ¹⁰ , retail banking	
Wholesale stores (pallet rack shelving)	1.5
Mall concourses	1.4
Schools buildings (Group E occupancy only), school classrooms, day care centers	1.35
Laundries	1.3
Office buildings, office/administrative areas in facilities of other use types (including but not limited to schools, hospitals, institutions, museums, banks, churches) ^{5,7,11}	1.2
Police and fire stations ⁸	1.2
Atria (atriums)	1.0
Assembly spaces ⁹ , auditoriums, gymnasia ⁹ , theaters	1.0
Group R-1 common areas	1.0
Process plants	1.0
Restaurants/bars ⁵	1.0
((Retail A¹⁰	1.0
Retail B ¹⁰ , Retail banking	1.5))
Locker and/or shower facilities	0.8
Warehouses ¹¹ , storage areas	0.5
Aircraft storage hangars	0.4
Parking garages	See Section 1532
Plans Submitted for Common Areas Only⁷	
((Common area, corridors, lobbies)) Main floor building lobbies ³ (except mall concourses)	((0.8)) 1.2
Common areas, corridors, toilet facilities and wash-rooms, elevator lobbies	0.8

Footnotes for Table 15-1

1. In cases in which a general use and a specific use are listed, the specific use shall apply. In cases in which a use is not mentioned specifically, the Unit Power Allowance shall be determined by the building official. This determination shall be based upon the most comparable use specified in the table. See Section 1512 for exempt areas.
2. The watts per square foot may be increased, by two percent per foot of ceiling height above twenty feet, unless specifically directed otherwise by subsequent footnotes.
3. Watts per square foot of room may be increased by two percent per foot of ceiling height above twelve feet.
4. For all other spaces, such as seating and common areas, use the Unit Light Power Allowance for assembly.

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CHAPTER 17 STANDARDS

CHAPTER 20

DEFAULT HEAT-LOSS COEFFICIENTS

Note: For nonresidential defaults, see chapter 10.

REFERENCE STANDARD (~~COMMERCIAL~~) NON-RESIDENTIAL BUILDING DESIGN BY SYSTEMS ANALYSIS

AMENDATORY SECTION (Amending WSR 93-21-052, filed 10/18/93, effective 4/1/94)

WAC 51-11-99902 Section 2—General principles and requirements.

2.1 Energy Analysis: Compliance with this Standard will require an analysis of the annual energy usage, hereinafter called an annual energy analysis.

A building designed in accordance with this Standard will be deemed as complying with this Code, if

a. The calculated annual energy consumption is not greater than that of a corresponding "standard design," as defined below and in Section 3,

and;

b. Whose enclosure elements and energy-consuming systems comply with Sections 1310 through 1314, 1410 through ~~(1415))~~ 1416, 1440 through 1442, 1450 through 1454 and 1510 through 1513. Buildings shall only vary from those requirements in Sections 1330 through 1334, 1432 through 1438 and 1530 through 1532 where those variations have been accurately and completely modeled. Where variations are not specifically analyzed, the building shall comply with these requirements.

For a proposed building design to be considered similar to a "standard design," it shall utilize the same energy source(s) for the same functions and have equal floor area and the same ratio of envelope area to floor area, environmental requirements, occupancy, climate data and usage operational schedule. Inputs to the energy analysis relating to occupancy and usage shall correspond to the expected occupancy and usage of the building.

Except as noted below, the systems identified, and, to the extent possible, the assumptions made in assigning energy inputs to each system, shall be the same for the standard design and the proposed design. When electrically driven heat pumps, other than multiple units connected to a common water loop, are employed to provide all or part of the heat for the proposed design, the standard design shall also, for the purposes of the analysis, assume that electrically driven heat pump, in conformance with Chapter 14 of the Code and having capacity at least as great as those used in the proposed design are employed.

5. Watts per square foot of room may be increased by two percent per foot of ceiling height above nine feet.
6. Includes pump area under canopy.
7. In cases in which a lighting plan is submitted for only a portion of a floor, a *Unit Lighting Power Allowance* of 1.35 may be used for usable office floor area and 0.80 watts per square foot shall be used for the common areas, which may include elevator space, lobby area and rest rooms. Common areas, as herein defined do not include mall concourses.
8. For the fire engine room, the *Unit Lighting Power Allowance* is 1.0 watts per square foot.
9. For indoor sport tournament courts with adjacent spectator seating, the *Unit Lighting Power Allowance* for the court area is 2.6 watts per square foot.
10. (~~For both Retail A and Retail B, light~~) Display window illumination installed within 2 feet of the window lighting for free-standing display where the lighting moves with the display, and building showcase illumination (~~(and display window illumination installed within two feet of the window are exempt.~~

~~Retail A allows a Unit Lighting Power Allowance of 1.0 watts per square foot. Ceiling-mounted adjustable tungsten halogen and HID merchandise display illuminaries are exempt.~~

~~Retail B allows a Unit Lighting Power Allowance of 1.5 watts per square foot, including all ceiling-mounted merchandise display luminaries)) where the lighting is enclosed within the showcase are exempt.~~

An additional 1.5 W/ft² of merchandise display luminaires are exempt provided that they comply with all three of the following:

(a) located on ceiling-mounted track or directly on or recessed into the ceiling itself (not on the wall).

(b) adjustable in both the horizontal and vertical axes (vertical axis only is acceptable for fluorescent and other fixtures with two points of track attachment).

(c) fitted with tungsten halogen, fluorescent, or high intensity discharge lamps.

This additional lighting power is allowed only if the lighting is actually installed.

11. Provided that a floor plan, indicating rack location and height, is submitted, the square footage for a warehouse may be defined, for computing the interior *Unit Lighting Power Allowance*, as the floor area not covered by racks plus the vertical face area (access side only) of the racks. The height allowance defined in footnote 2 applies only to the floor area not covered by racks.

PROPOSED

2.2 Design: The standard design and the proposed design shall be designed on a common basis as specified herein:

a. The comparison shall be expressed as kBtu input per square foot of conditioned floor area per year at the building site. Buildings which use electricity as the only fuel source, comparisons may be expressed in kWh. When converting electricity in kWh to kBtu a multiplier of 3.413 kWh/kBtu shall be used.

b. If the proposed design results in an increase in consumption of one energy source and a decrease in another energy source, even though similar sources are used for similar purposes, the difference in each energy source shall be converted to equivalent energy units for purposes of comparing the total energy used.

2.3 Analysis Procedure: The analysis of the annual energy usage of the standard and the proposed building and system design shall meet the following criteria:

a. The building heating/cooling load calculation procedure used for annual energy consumption analysis shall be detailed to permit the evaluation of effect of factors specified in Section 2.4.

b. The calculation procedure used to simulate the operation of the building and its service systems through a full-year operating period shall be detailed to permit the evaluation of the effect of system design, climatic factors, operational characteristics and mechanical equipment on annual energy usage. Manufacturer's data or comparable field test data shall be used when available in the simulation of systems and equipment. The calculation procedure shall be based upon 8,760 hours of operation of the building and its service systems and shall utilize the design methods, specified in Standards RS-27, -11, -12 and -13 listed in Chapter 7 and 17 of the Code or in other programs approved by the building official.

2.4 Calculation Procedure: The calculation procedure shall cover the following items:

a. Design requirements—Design heating conditions and design cooling conditions as defined in Chapter 12 of the Code.

b. Climatic data—Coincident hourly data for temperatures, solar radiation, wind and humidity of typical days in the year representing seasonal variation.

c. Building data—Orientation, size, shape, mass, air and heat transfer characteristics.

d. Operational characteristics—Temperature, humidity, ventilation, illumination and control mode for occupied and unoccupied hours.

e. Mechanical equipment—Design capacity and part load profile.

f. Building loads—Internal heat generation, lighting, equipment and number of people during occupied and unoccupied periods.

((EXCEPTION: Proposed designs having an area of 25,000 square feet or less are exempt from the full year energy analysis described in section 2.3(b). However, comparison of energy consumption between the proposed design and the standard design shall be provided based on one of the programs suggested in Section 4.2 for these buildings.))

2.5 Documentation: All analyses submitted shall be accompanied by an energy analysis comparison report. The report shall provide technical detail on the two building and system designs and on the data used in and resulting from the comparative analysis to verify that both the analysis and the designs meet the criteria of Section 1.

The calculation procedure for the standard design and the proposed design shall separately identify the calculated annual energy consumption for each different occupancy type, if possible, for each of the following end uses:

- a. Interior lighting;
- b. Parking lighting;
- c. Exterior lighting;
- d. Space heating;
- e. Space cooling;
- f. Interior ventilation/fans;
- g. Parking ventilation/fans;
- h. Exhaust fans;
- i. Service water heating;
- j. Elevators;
- k. Appliances.

Energy consumption of the following items shall be included but is not required to be separated out by each individual item.

- a. Office equipment;
- b. Refrigeration other than comfort cooling;
- c. Cooking; and
- d. Any other energy-consuming equipment.

The specifications of the proposed building project used in the analysis shall be as similar as is reasonably practical to those in the plans submitted for a building permit.

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-99903 Section 3—Specific modeling assumptions.

The specific modeling assumptions consist of methods and assumptions for calculating the standard energy consumption for the standard building and the proposed energy consumption of the proposed design. In order to maintain consistency between the standard and the proposed design energy consumptions, the input assumptions in this section shall be used.

"Prescribed" assumptions shall be used without variation. "Default" assumptions shall be used unless the designer can demonstrate that a different assumption better characterizes the building's use over its expected life. Any modification of a default assumption shall be used in modeling both the standard building and the proposed design unless the designer demonstrates a clear cause to do otherwise.

3.1 Orientation and Shape: The standard building shall consist of the same number of stories and gross floor area for each story as the proposed design. Each floor shall be ori-

ented exactly as the proposed design. The geometric form shall be the same as the proposed design.

3.2 Internal Loads: Internal loads shall be modeled as noted in the following parts of Section 3.2. The systems specified for calculating the standard energy consumption in Section 3.2 are intended only as constraints in calculating the consumption. They are not intended as requirements or recommendations for systems to be used in the proposed building or for the calculation of the proposed energy consumption.

3.2.1 Occupancy: Occupancy schedules shall be default assumptions. The same assumptions shall be made in computing proposed energy consumption as were used in calculating the standard energy consumption. Occupancy levels vary by building type and time of day. Table 3-1 establishes the density presented as ft²/person of conditioned floor area that will be used by each building type. Table 3-2 establishes the percentage of the people that are in the building by hours of the day for each building type.

3.2.2 Lighting: The interior and exterior lighting power allowance for calculating the standard energy consumption shall be determined from Sections 1531 and 1532. The lighting power used to calculate the proposed energy consumption shall be the actual lighting power of the proposed lighting design. Exempt lighting in the standard design shall be equal to the exempt lighting in the proposed design.

Lighting levels in buildings vary based on the type of uses within buildings, by area and by time of day. Table 3-2 contains the lighting energy profiles which establish the percentage of the lighting load that is switched ON in each prototype or reference building by hour of the day. These profiles are default assumptions and can be changed if required when calculating the standard energy consumption to provide, for example, a 12 hour rather than an 8 hour work day or to reflect the use of automatic lighting controls. The lighting schedules used in the standard and proposed designs shall be identical and shall reflect the type of controls to be installed in the proposed design. The controls in the proposed design shall comply with the requirements in Section 1513 and no credit shall be given for the use of any additional controls, automatic or otherwise.

3.2.3 Receptacle: Receptacle loads and profiles are default assumptions. The same assumptions shall be made in calculating proposed energy consumption as were used in calculating the standard energy consumption. Receptacle loads include all general service loads that are typical in a building. These loads should include additional process electrical usage but exclude HVAC primary or auxiliary electrical usage. Table 3-1 establishes the density in W/ft² to be used. The receptacle energy profiles shall be the same as the lighting energy profiles in Table 3-2. This profile establishes the percentage of the receptacle load that is switched ON by hour of the day and by building type.

3.3 Envelope

3.3.1 Insulation and Glazing: Glazing area and U-factor of the standard building envelope shall be determined by using the Target UA requirements of Equation 13-1 and U-factor

values in Table 13-1 or 13-2. The glazing solar heat gain coefficient (SHGC) or shading coefficient of the standard building shall be the lesser of 0.65 and the SHGC required by Table 13-1 or 13-2 for the vertical or overhead glazing area for the appropriate wall type. The opaque area U-factors of the standard building shall be determined by using the Target UA requirements from Equation 13-1 including the appropriate mass for walls. The insulation characteristics and glazing area are prescribed assumptions for the standard building for calculating the standard energy consumption. In the calculation of the proposed energy consumption of the proposed design, the envelope characteristics of the proposed design shall be used. The standard design shall use the maximum glazing areas listed in Tables 13-1 or 13-2 for the appropriate use. The distribution of vertical glazing in the gross wall area of the standard design shall be equal to the distribution of vertical glazing in the proposed design or shall constitute an equal percentage of gross wall area on all sides of the standard building. The distribution of overhead glazing in the gross roof/ceiling area of the standard design shall be equal to the distribution of overhead glazing in the proposed design. The distribution of doors in the gross opaque wall area of the standard design shall be identical to the distribution of doors in the proposed design.

3.3.2 Infiltration: For standard and proposed buildings, infiltration assumptions shall be equal.

3.3.3 Envelope and Ground Absorptivities: For the standard building, absorptivity assumptions shall be default assumptions for computing the standard energy consumption and default assumptions for computing the proposed energy consumption. The solar absorptivity of opaque elements of the building envelope shall be assumed to be 70 percent. The solar absorptivity of ground surfaces shall be assumed to be 80 percent (20 percent reflectivity).

3.3.4 Window Treatment: No draperies or blinds shall be modeled for the standard or proposed building.

3.3.5 Shading: For standard building and the proposed design, shading by permanent structures and terrain shall be taken into account for computing energy consumption whether or not these features are located on the building site. A permanent fixture is one that is likely to remain for the life of the proposed design. Credit may be taken for external shading devices that are part of the proposed design.

3.4 HVAC Systems and Equipment: For the standard building, the HVAC system used shall be the system type used in the proposed design. If the proposed HVAC system type does not comply with Sections 1432 through 1438, the standard design system shall comply in all respects with those sections.

Exception:

When approved by the building official, a prototype HVAC system may be used, if the proposed design system cannot be modified to comply with Sections 1422 and 1432 through 1438, as a standard design. Use of prototype HVAC systems shall only be permitted for the building types listed below. For mixed-use buildings, the floor space of each building type is allocated within the floor space of the standard building. The specifications and requirements for the HVAC

- | | |
|---------------------------|-------------------------|
| 1. assembly | 6. restaurant |
| 2. health/institutional , | 7. retail (mercantile) |
| 3. hotel/motel | 8. school (educational) |
| 4. light manufacturing | 9. warehouse (storage) |
| 5. office (business) | |

3.4.1 HVAC Zones: HVAC zones for calculating the standard energy consumption and proposed energy consumption shall consist of at least four perimeter and one interior zone per floor, with at least one perimeter zone facing each orientation. The perimeter zones shall be fifteen feet in width or one-third the narrow dimension of the building when this dimension is between 30 and 45 feet inclusive or half the narrow dimension of the building when this dimension is less than thirty feet.

- Exceptions:
1. Building types such as assembly or warehouse may be modeled as a single zone if there is only one space.
 2. Thermally similar zones, such as those facing one orientation on different floors, may be grouped together for the purposes of either the standard or proposed building simulation.

3.4.2 Process Equipment Sizing: Process sensible and latent loads shall be equal in calculating both the standard energy consumption and the proposed energy consumption. The designer shall document the installation of process equipment and the size of process loads.

3.4.3 HVAC Equipment Sizing: The equipment shall be sized to include the capacity to meet the process loads. For calculating the proposed energy consumption, actual air flow rates and installed equipment size shall be used in the simulation. Equipment sizing in the simulation of the proposed design shall correspond to the equipment intended to be selected for the design and the designer shall not use equipment sized automatically by the simulation tool.

Equipment sizing for the standard design shall be based on the same as the proposed design or lesser sizing ratio of installed system capacity to the design load for heating and for cooling.

Chilled water systems for the standard building shall be modeled using a reciprocating chiller for systems with total cooling capacities less than 175 tons, and centrifugal chillers for systems with cooling capacities of 175 tons or greater. For systems with cooling capacities of 600 tons or more the standard energy consumption shall be calculated using two centrifugal chillers, lead/lag controlled. Chilled water shall be assumed to be controlled at a constant 44 degree F temperature rise, from 44 degrees F to 56 degrees F, operating at 65 percent combined impeller and motor efficiency. Condenser water pumps shall be sized using a 10 degree F temperature rise, operating at 60 percent combined impeller and motor efficiency. The cooling tower shall be an open circuit, centrifugal blower type sized for the larger of 85 degrees F leaving water temperature or 10 degrees F approach to design wet-bulb temperature. The tower shall be controlled to provide a 65 degrees F leaving water temperature whenever weather conditions permit, floating up to design leaving water temperature at design conditions.

3.4.4 ((Variable Speed)) Fans: The ((energy)) power of the combined fan system per air volume at design conditions (w/cfm) of the proposed design shall be equal to that of the standard design.

Variable air volume fan systems in the standard building shall be variable speed.

3.5 Service Water Heating: The service water heating loads for prototype buildings are defined in terms of Btu/person-hour in Table 3-1. The values in the table refer to energy content of the heated water. The service water heating loads from Table 3-1 are default for all buildings. The same service-water-heating load assumptions shall be made in calculating proposed energy consumption as were used in calculating the standard energy consumption. The service water heating system for the standard building shall be modeled as closely as possible as if it were designed in accordance with ((the ASHRAE Handbook, 1995 HVAC Systems and Applications Volume)) **RS-11** and meeting all the requirements of Sections 1440 through 1442.

3.6 Controls

3.6.1: All occupied conditioned spaces in standard and proposed design buildings in all climates shall be simulated as being both heated and cooled.

- Exceptions:
1. If a building or portion of a building is to be provided with only heating or cooling, both the standard building and the proposed design shall be simulated using the same assumptions.
 2. If warehouses are not intended to be mechanically cooled, both the standard and proposed energy consumption shall be modeled assuming no mechanical cooling.

3.6.2: Space temperature controls for the standard building, shall be set at 70 degrees F for space heating and 75 degrees F for space cooling, with a deadband in accordance with Section 1412.2. The system shall be OFF during off-hours according to the appropriate schedule in Table 3-2, except that the heating system shall cycle ON if any space should drop below the night setback setting 55 degrees F. There shall be no similar setpoint during the cooling season. Lesser deadband ranges may be used in calculating the proposed energy consumption.

- Exceptions:
1. Setback shall not be modeled in determining either the standard or proposed energy consumption if setback is not realistic for the proposed design such as a facility being operated 24 hours/day. For instance, health facilities need not have night setback during the heating season.
 2. If deadband controls are not to be installed, the proposed energy consumption shall be calculated with both heating and cooling thermostat setpoints set to the same value between 70 degrees F and 75 degrees F inclusive, assumed to be constant for the year.

3.6.3: When providing for outdoor air ventilation when calculating the standard energy consumption, controls shall be assumed to close the outside air intake to reduce the flow of outside air to 0.0 cfm during "setback" and "unoccupied" periods. Ventilation using inside air may still be required to maintain scheduled setback temperature. Outside air ventilation, during occupied periods, shall be as required by the Washington State Ventilation and Indoor Air Quality Code chapter 51-13 WAC.

3.6.4: If humidification is to be used in the proposed design, the same level of humidification and system type shall be used in the standard building.

3.6.5: There shall be no credit in the proposed design for control of parking garage ventilation.

TABLE 3-1

Acceptable Occupancy Densities, Receptacle Power Densities and Service Hot Water Consumption¹

Building Type	Occupancy Density ² Sq. Ft./Person (Btu/h•ft ²)	Receptacle Power Density ³ Watts/Sq. Ft. (Btu/h•ft ²)	Service Hot Water Quantities ⁴ Btu/h•person
Assembly	50 (4.60)	0.25 (0.85)	215
Health/Institutional	200 (1.15)	1.00 (3.41)	135
Hotel/Motel	250 (0.92)	0.25 (0.85)	1,110
Light Manufacturing	750 (0.31)	0.20 (0.68)	225
Office	275 (0.84)	0.75 (2.56)	175
Parking Garage	N.A.	N.A.	N.A.

Building Type	Occupancy Density ² Sq. Ft./Person (Btu/h•ft ²)	Receptacle Power Density ³ Watts/Sq. Ft. (Btu/h•ft ²)	Service Hot Water Quantities ⁴ Btu/h•person
Restaurant	100 (2.30)	0.10 (0.34)	390
Retail	300 (0.77)	0.25 (0.85)	135
School	75 (3.07)	0.50 (1.71)	215
Warehouse	15,000 (0.02)	0.10 (0.34)	225

1. The occupancy densities, receptacle power densities and service hot water consumption values are from ASHRAE Standard 90.1-1989 and addenda.
2. Values are in square feet of conditioned floor area per person. Heat generation in Btu per person per hour is 230 sensible and 190 latent. Figures in parentheses are equivalent Btu per hour per square foot.
3. Values are in Watts per square foot of conditioned floor area. Figures in parentheses are equivalent Btu per hour per square foot. These values are the minimum acceptable. If other process loads are not input (such as for computers, cooking, refrigeration, etc.), it is recommended that receptacle power densities be increased until total process energy consumption is equivalent to 25% of the total.
4. Values are in Btu per person per hour.

TABLE 3-2A
Assembly Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
6 (5-6am)	0	0	0	5	5	5	on	off	off	0	0	0	0	0	0
7 (6-7am)	0	0	0	40	5	5	on	on	on	0	0	0	0	0	0
8 (7-8am)	0	0	0	40	30	30	on	on	on	0	0	0	0	0	0
9 (8-9am)	20	20	10	40	30	30	on	on	on	0	0	0	0	0	0
10 (9-10am)	20	20	10	75	50	30	on	on	on	5	5	5	0	0	0
11 (10-11am)	20	20	10	75	50	30	on	on	on	5	5	5	0	0	0
12 (11-12pm)	80	60	10	75	50	30	on	on	on	35	20	10	0	0	0
13 (12-1pm)	80	60	10	75	50	65	on	on	on	5	0	0	0	0	0
14 (1-2pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
15 (2-3pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
16 (3-4pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
17 (4-5pm)	80	60	70	75	50	65	on	on	on	5	0	0	0	0	0
18 (5-6pm)	80	60	70	75	50	65	on	on	on	0	0	0	0	0	0
19 (6-7pm)	20	60	70	75	50	65	on	on	on	0	0	0	0	0	0
20 (7-8pm)	20	60	70	75	50	65	on	on	on	0	65	65	0	0	0
21 (8-9pm)	20	60	70	75	50	65	on	on	on	0	30	30	0	0	0
22 (9-10pm)	20	80	70	75	50	65	on	on	on	0	0	0	0	0	0
23 (10-11pm)	10	10	20	25	50	5	on	on	on	0	0	0	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	0	0	0	0	0	0
Total/Day	710	750	700	1155	800	845	1800	1700	1700	70	125	115	0	0	0

PROPOSED

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
Total/Week	50.50 hours			74.20 hours			124 hours			5.9 hours			0 hours		
Total/Year	2633 hours			3869 hours			6465 hours			308 hours			0 hours		

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2B
Health Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
2 (1-2am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
3 (2-3am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
4 (3-4am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
5 (4-5am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
6 (5-6am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
7 (6-7am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
8 (7-8am)	10	10	0	50	20	5	on	on	on	17	1	1	2	2	0
9 (8-9am)	50	30	5	90	40	10	on	on	on	58	20	1	75	46	2
10 (9-10am)	80	40	5	90	40	10	on	on	on	66	28	1	100	70	2
11 (10-11am)	80	40	5	90	40	10	on	on	on	78	30	1	100	70	2
12 (11-12pm)	80	40	5	90	40	10	on	on	on	82	30	1	100	70	2
13 (12-1pm)	80	40	5	90	40	10	on	on	on	71	24	1	75	51	2
14 (1-2pm)	80	40	5	90	40	10	on	on	on	82	24	1	100	51	2
15 (2-3pm)	80	40	5	90	40	10	on	on	on	78	23	1	100	51	2
16 (3-4pm)	80	40	5	90	40	10	on	on	on	74	23	1	100	51	2
17 (4-5pm)	80	40	0	30	40	5	on	on	on	63	23	1	100	51	0
18 (5-6pm)	50	10	0	30	40	5	on	on	on	41	10	1	100	25	0
19 (6-7pm)	30	10	0	30	10	5	on	on	on	18	1	1	52	2	0
20 (7-8pm)	30	0	0	30	10	5	on	on	on	18	1	1	52	0	0
21 (8-9pm)	20	0	0	30	10	5	on	on	on	18	1	1	52	0	0
22 (9-10pm)	20	0	0	30	10	5	on	on	on	10	1	1	28	0	0
23 (10-11pm)	0	0	0	30	10	5	on	on	on	1	1	1	0	0	0
24 (11-12am)	0	0	0	10	10	5	on	on	on	1	1	1	0	0	0
Total/Day	850	380	40	1060	550	160	2400	2400	2400	783	249	24	1136	540	16
Total/Week	46.70 hours			60.10 hours			168 hours			41.88 hours			62.36 hours		
Total/Year	2435 hours			3134 hours			8760 hours			2148 hours			3251 hours		

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2C
Hotel/Motel Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	90	90	70	20	20	30	on	on	on	20	20	25	40	44	55
2 (1-2am)	90	90	70	15	20	30	on	on	on	15	15	20	33	35	55
3 (2-3am)	90	90	70	10	10	20	on	on	on	15	15	20	33	35	43
4 (3-4am)	90	90	70	10	10	20	on	on	on	15	15	20	33	35	43
5 (4-5am)	90	90	70	10	10	20	on	on	on	20	20	20	33	35	43
6 (5-6am)	90	90	70	20	10	20	on	on	on	25	25	30	33	35	43
7 (6-7am)	70	70	70	40	30	30	on	on	on	50	40	50	42	40	52
8 (7-8am)	40	50	70	50	30	40	on	on	on	60	50	50	42	32	52
9 (8-9am)	40	50	50	40	40	40	on	on	on	55	50	50	52	45	65
10 (9-10am)	20	30	50	40	40	30	on	on	on	45	50	55	52	45	65
11 (10-11am)	20	30	50	25	30	30	on	on	on	40	45	50	40	42	53
12 (11-12pm)	20	30	30	25	25	30	on	on	on	45	50	50	51	60	60
13 (12-1pm)	20	30	30	25	25	30	on	on	on	40	50	40	51	65	53
14 (1-2pm)	20	30	20	25	25	20	on	on	on	35	45	40	51	65	51
15 (2-3pm)	20	30	20	25	25	20	on	on	on	30	40	30	51	65	50
16 (3-4pm)	30	30	20	25	25	20	on	on	on	30	40	30	51	65	44
17 (4-5pm)	50	30	30	25	25	20	on	on	on	30	35	30	63	65	64
18 (5-6pm)	50	50	40	25	25	20	on	on	on	40	40	40	80	75	62
19 (6-7pm)	50	60	40	60	60	50	on	on	on	55	55	50	86	80	65
20 (7-8pm)	70	60	60	80	70	70	on	on	on	60	55	50	70	80	63
21 (8-9pm)	70	60	60	90	70	80	on	on	on	50	50	40	70	75	63
22 (9-10pm)	80	70	80	80	70	60	on	on	on	55	55	50	70	75	63
23 (10-11pm)	90	70	80	60	60	50	on	on	on	45	40	40	45	55	40
24 (11-12am)	90	70	80	30	30	30	on	on	on	25	30	20	45	55	40
Total/Day	1390	1390	1300	855	785	810	2400	2400	2400	915	930	900	1217	1303	1287
Total/Week		96.40	hours		58.70	hours			168.0	hours		64.05	hours		
Total/Year		5026	hours		3061	hours			8760	hours		3340	hours		4523

Wk= Weekday

1. Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2D
Light Manufacturing Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0

PROPOSED

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
6 (5-6am)	0	0	0	10	5	5	off	off	off	8	8	7	0	0	0
7 (6-7am)	10	10	5	10	10	5	on	on	off	7	7	4	0	0	0
8 (7-8am)	20	10	5	30	10	5	on	on	off	19	11	4	35	16	0
9 (8-9am)	95	30	5	90	30	5	on	on	off	35	15	4	69	14	0
10 (9-10am)	95	30	5	90	30	5	on	on	off	38	21	4	43	21	0
11 (10-11am)	95	30	5	90	30	5	on	on	off	39	19	4	37	18	0
12 (11-12pm)	95	30	5	90	30	5	on	on	off	47	23	6	43	25	0
13 (12-1pm)	50	10	5	80	15	5	on	on	off	57	20	6	58	21	0
14 (1-2pm)	95	10	5	90	15	5	on	on	off	54	19	9	48	13	0
15 (2-3pm)	95	10	5	90	15	5	on	on	off	34	15	6	37	8	0
16 (3-4pm)	95	10	5	90	15	5	on	on	off	33	12	4	37	4	0
17 (4-5pm)	95	10	5	90	15	5	on	on	off	44	14	4	46	5	0
18 (5-6pm)	30	5	5	50	5	5	on	on	off	26	7	4	62	6	0
19 (6-7pm)	10	5	0	30	5	5	on	off	off	21	7	4	20	0	0
20 (7-8pm)	10	0	0	30	5	5	on	off	off	15	7	4	12	0	0
21 (8-9pm)	10	0	0	20	5	5	on	off	off	17	7	4	4	0	0
22 (9-10pm)	10	0	0	20	5	5	on	off	off	8	9	7	4	0	0
23 (10-11pm)	5	0	0	10	5	5	off	off	off	5	5	4	0	0	0
24 (11-12am)	5	0	0	5	5	5	off	off	off	5	5	4	0	0	0
Total/Day	920	200	60	1040	280	120	1600	1200	0	537	256	113	555	151	0
Total/Week		48.60	hours		56.00	hours		92.00	hours		30.54	hours		29.26	hours
Total/Year		2534	hours		2920	hours		4797	hours		1592	hours		1526	hours

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2E
Office Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	5	4	0	0	0
6 (5-6am)	0	0	0	10	5	5	off	off	off	8	8	7	0	0	0
7 (6-7am)	10	10	5	10	10	5	on	on	off	7	7	4	0	0	0
8 (7-8am)	20	10	5	30	10	5	on	on	off	19	11	4	35	16	0
9 (8-9am)	95	30	5	90	30	5	on	on	off	35	15	4	69	14	0
10 (9-10am)	95	30	5	90	30	5	on	on	off	38	21	4	43	21	0
11 (10-11am)	95	30	5	90	30	5	on	on	off	39	19	4	37	18	0
12 (11-12pm)	95	30	5	90	30	5	on	on	off	47	23	6	43	25	0

PROPOSED

PROPOSED

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
13 (12-1pm)	50	10	5	80	15	5	on	on	off	57	20	6	58	21	0
14 (1-2pm)	95	10	5	90	15	5	on	on	off	54	19	9	48	13	0
15 (2-3pm)	95	10	5	90	15	5	on	on	off	34	15	6	37	8	0
16 (3-4pm)	95	10	5	90	15	5	on	on	off	33	12	4	37	4	0
17 (4-5pm)	95	10	5	90	15	5	on	on	off	44	14	4	46	5	0
18 (5-6pm)	30	5	5	50	5	5	on	on	off	26	7	4	62	6	0
19 (6-7pm)	10	5	0	30	5	5	on	off	off	21	7	4	20	0	0
20 (7-8pm)	10	0	0	30	5	5	on	off	off	15	7	4	12	0	0
21 (8-9pm)	10	0	0	20	5	5	on	off	off	17	7	4	4	0	0
22 (9-10pm)	10	0	0	20	5	5	on	off	off	8	9	7	4	0	0
23 (10-11pm)	5	0	0	10	5	5	off	off	off	5	5	4	0	0	0
24 (11-12am)	5	0	0	5	5	5	off	off	off	5	5	4	0	0	0
Total/Day	920	200	60	1040	280	120	1600	1200	0	537	256	113	555	151	0
Total/Week		48.60	hours		56.00	hours		92.00	hours		30.54	hours		29.26	hours
Total/Year		2534	hours		2920	hours		4797	hours		1592	hours		1526	hours

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2F
Parking Garage Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)				100	100	100									
2 (1-2am)				100	100	100									
3 (2-3am)				100	100	100									
4 (3-4am)				100	100	100									
5 (4-5am)				100	100	100									
6 (5-6am)				100	100	100									
7 (6-7am)				100	100	100									
8 (7-8am)				100	100	100									
9 (8-9am)				100	100	100									
10 (9-10am)				100	100	100									
11 (10-11am)				100	100	100									
12 (11-12pm)		N/A		100	100	100					N/A				
13 (12-1pm)				100	100	100									
14 (1-2pm)				100	100	100									
15 (2-3pm)				100	100	100									
16 (3-4pm)				100	100	100									
17 (4-5pm)				100	100	100									
18 (5-6pm)				100	100	100									
19 (6-7pm)				100	100	100									

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
20 (7-8pm)				100	100	100									
21 (8-9pm)				100	100	100									
22 (9-10pm)				100	100	100									
23 (10-11pm)				100	100	100									
24 (11-12am)				100	100	100									
Total/Day				2400	2400	2400									
Total/Week					168	hours									
Total/Year					8760	hours									

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2G
Restaurant Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	15	30	20	15	20	20	on	on	on	20	20	25	0	0	0
2 (1-2am)	15	25	20	15	15	15	on	on	on	15	15	20	0	0	0
3 (2-3am)	5	5	5	15	15	15	on	on	on	15	15	20	0	0	0
4 (3-4am)	0	0	0	15	15	15	off	off	off	0	0	0	0	0	0
5 (4-5am)	0	0	0	15	15	15	off	off	off	0	0	0	0	0	0
6 (5-6am)	0	0	0	20	15	15	off	off	off	0	0	0	0	0	0
7 (6-7am)	0	0	0	40	30	30	off	off	off	0	0	0	0	0	0
8 (7-8am)	5	0	0	40	30	30	on	off	off	60	0	0	0	0	0
9 (8-9am)	5	0	0	60	60	50	on	off	off	55	0	0	0	0	0
10 (9-10am)	5	5	0	60	60	50	on	on	off	45	50	0	0	0	0
11 (10-11am)	20	20	10	90	80	70	on	on	on	40	45	50	0	0	0
12 (11-12pm)	50	45	20	90	80	70	on	on	on	45	50	50	0	0	0
13 (12-1pm)	80	50	25	90	80	70	on	on	on	40	50	40	0	0	0
14 (1-2pm)	70	50	25	90	80	70	on	on	on	35	45	40	0	0	0
15 (2-3pm)	40	35	15	90	80	70	on	on	on	30	40	30	0	0	0
16 (3-4pm)	20	30	20	90	80	70	on	on	on	30	40	30	0	0	0
17 (4-5pm)	25	30	25	90	80	60	on	on	on	30	35	30	0	0	0
18 (5-6pm)	50	30	35	90	90	60	on	on	on	40	40	40	0	0	0
19 (6-7pm)	80	70	55	90	90	60	on	on	on	55	55	50	0	0	0
20 (7-8pm)	80	90	65	90	90	60	on	on	on	60	55	50	0	0	0
21 (8-9pm)	80	70	70	90	90	60	on	on	on	50	50	40	0	0	0
22 (9-10pm)	50	65	35	90	90	60	on	on	on	55	55	50	0	0	0
23 (10-11pm)	35	55	20	50	50	50	on	on	on	45	40	40	0	0	0
24 (11-12am)	20	35	20	30	30	30	on	on	on	25	30	20	0	0	0
Total/Day	750	740	485	1455	1365	1115	2000	1800	1700	790	730	625	0	0	0
Total/Week		49.75	hours		97.55	hours		135	hours		53.05	hours	0	hours	
Total/Year		2594	hours		5086	hours		7039	hours		2766	hours	0	hours	

PROPOSED

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2H
Retail Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	4	11	7	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	10	7	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	8	7	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	4	6	6	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	4	6	6	0	0	0
6 (5-6am)	0	0	0	5	5	5	off	off	off	4	6	6	0	0	0
7 (6-7am)	0	0	0	5	5	5	on	on	off	4	7	7	0	0	0
8 (7-8am)	10	10	0	20	10	5	on	on	off	15	20	10	12	9	0
9 (8-9am)	20	20	0	50	30	10	on	on	on	23	24	12	22	21	0
10 (9-10am)	50	50	10	90	60	10	on	on	on	32	27	14	64	56	11
11 (10-11am)	50	60	20	90	90	40	on	on	on	41	42	29	74	66	13
12 (11-12pm)	70	80	20	90	90	40	on	on	on	57	54	31	68	68	35
13 (12-1pm)	70	80	40	90	90	60	on	on	on	62	59	36	68	68	37
14 (1-2pm)	70	80	40	90	90	60	on	on	on	61	60	36	71	69	37
15 (2-3pm)	70	80	40	90	90	60	on	on	on	50	49	34	72	70	39
16 (3-4pm)	80	80	40	90	90	60	on	on	on	45	48	35	72	69	41
17 (4-5pm)	70	80	40	90	90	60	on	on	on	46	47	37	73	66	38
18 (5-6pm)	50	60	20	90	90	40	on	on	off	47	46	34	68	58	34
19 (6-7pm)	50	20	10	60	50	20	on	on	off	42	44	25	68	47	3
20 (7-8pm)	30	20	0	60	30	5	on	on	off	34	36	27	58	43	0
21 (8-9pm)	30	20	0	50	30	5	on	on	off	33	29	21	54	43	0
22 (9-10pm)	0	10	0	20	10	5	off	on	off	23	22	16	0	8	0
23 (10-11pm)	0	0	0	5	5	5	off	off	off	13	16	10	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	8	13	6	0	0	0
Total/Day	720	750	280	1115	985	525	1500	1600	900	662	690	459	844	761	288
Total/Week		46.30	hours		70.85	hours		100	hours		44.59	hours		52.69	hours
Total/Year		2414	hours		3694	hours		5214	hours		2325	hours		2747	hours

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2I
School Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0

Proposed

PROPOSED

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
2 (1-2am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
6 (5-6am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
7 (6-7am)	0	0	0	5	5	5	off	off	off	5	3	3	0	0	0
8 (7-8am)	5	0	0	30	5	5	on	off	off	10	3	3	0	0	0
9 (8-9am)	75	10	0	85	15	5	on	on	off	34	3	5	30	0	0
10 (9-10am)	90	10	0	95	15	5	on	on	off	60	5	5	30	0	0
11 (10-11am)	90	10	0	95	15	5	on	on	off	63	5	5	30	0	0
12 (11-12pm)	80	10	0	95	15	5	on	on	off	72	5	5	30	0	0
13 (12-1pm)	80	10	0	80	15	5	on	on	off	79	5	5	30	0	0
14 (1-2pm)	80	0	0	80	5	5	on	off	off	83	3	5	30	0	0
15 (2-3pm)	80	0	0	80	5	5	on	off	off	61	3	3	30	0	0
16 (3-4pm)	45	0	0	70	5	5	on	off	off	65	3	3	15	0	0
17 (4-5pm)	15	0	0	50	5	5	on	off	off	10	3	3	0	0	0
18 (5-6pm)	5	0	0	50	5	5	on	off	off	10	3	3	0	0	0
19 (6-7pm)	15	0	0	35	5	5	on	off	off	19	3	3	0	0	0
20 (7-8pm)	20	0	0	35	5	5	on	off	off	25	3	3	0	0	0
21 (8-9pm)	20	0	0	35	5	5	on	off	off	22	3	3	0	0	0
22 (9-10pm)	10	0	0	30	5	5	on	off	off	22	3	3	0	0	0
23 (10-11pm)	0	0	0	5	5	5	off	off	off	12	3	3	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	9	3	3	0	0	0
Total/Day	710	50	0	990	170	120	1500	500	0	691	80	84	285	0	0
Total/Week		36.00	hours		52.40	hours		80.00	hours		36.19	hours		14.25	hours
Total/Year		1877	hours		2732	hours		4171	hours		1887	hours		743	hours

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-2J
Warehouse Occupancy¹

Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
1 (12-1am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
2 (1-2am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
3 (2-3am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
4 (3-4am)	0	0	0	5	5	5	off	off	off	2	2	2	0	0	0
5 (4-5am)	0	0	0	5	5	5	off	off	off	5	2	2	0	0	0
6 (5-6am)	0	0	0	5	5	5	off	off	off	7	2	2	0	0	0
7 (6-7am)	0	0	0	5	5	5	off	off	off	7	2	2	0	0	0
8 (7-8am)	15	0	0	40	5	5	on	off	off	10	2	2	0	0	0
9 (8-9am)	70	20	0	70	8	5	on	on	off	30	6	2	0	0	0

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Hour of Day (time)	Schedule for Occupancy			Schedule for Lighting Receptacle			Schedule for HVAC System			Schedule for Service Hot Water			Schedule for Elevator		
	Percent of Maximum Load			Percent of Maximum Load						Percent of Maximum Load			Percent of Maximum Load		
	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun	Wk	Sat	Sun
10 (9-10am)	90	20	0	90	24	5	on	on	off	36	12	2	0	0	0
11 (10-11am)	90	20	0	90	24	5	on	on	off	36	12	2	30	0	0
12 (11-12pm)	90	20	0	90	24	5	on	on	off	46	17	2	0	0	0
13 (12-1pm)	50	10	0	80	5	5	on	on	off	57	4	4	0	0	0
14 (1-2pm)	85	10	0	90	5	5	on	on	off	43	4	4	0	0	0
15 (2-3pm)	85	10	0	90	5	5	on	on	off	38	2	2	0	0	0
16 (3-4pm)	85	10	0	90	5	5	on	on	off	40	2	2	40	0	0
17 (4-5pm)	20	0	0	90	5	5	on	off	off	30	2	2	0	0	0
18 (5-6pm)	0	0	0	30	5	5	off	off	off	18	2	2	0	0	0
19 (6-7pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
20 (7-8pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
21 (8-9pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
22 (9-10pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
23 (10-11pm)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
24 (11-12am)	0	0	0	5	5	5	off	off	off	3	2	2	0	0	0
Total/Day	680	120	0	915	180	120	1000	800	0	429	91	52	70	0	0
Total/Week		35.20	hours		48.75	hours		58.00	hours		22.88	hours		3.50	hours
Total/Year		1835	hours		2542	hours		3024	hours		1193	hours		182	hours

Wk= Weekday

- Schedules for occupancy, lighting, receptacle, HVAC system and service hot water are from ASHRAE Standard 90.1-1989 and addendums, except that 5% emergency lighting has been added for all off hours. Elevator schedules, except for restaurants, are from the U.S. Department of Energy Standard Evaluation Techniques except changed to 0% when occupancy is 0%. THESE VALUES MAY BE USED ONLY IF ACTUAL SCHEDULES ARE NOT KNOWN.

TABLE 3-3
HVAC Systems of Prototype Buildings³

Use	System #	Remarks
1. Assembly		
a. Churches (any size)	1	
b. ≤ 50,000 ft ² or ≤ 3 floors	1 or 3	Note 2
c. > 50,000 ft ² or > 3 floors	3	
2. Health		
a. Nursing Home (any size)	2	
b. ≤ 15,000 ft ²	1	
c. > 15,000 ft ² and ≤ 50,000 ft ²	4	Note 3
d. > 50,000 ft ²	5	Note 3,4
3. Hotel/Motel		
a. ≤ 3 Stories	2	Note 6
b. > 3 Stories	6	Note 7
4. Light Manufacturing	1 or 3	
5. Office		
a. ≤ 20,000 ft ²	1	
b. > 20,000 ft ² and either ≤ 3 floors or ≤ 75,000 ft ²	4	
c. > 75,000 ft ² or > 3 floors	5	
6. Restaurant	1 or 3	Note 2
7. Retail		
a. ≤ 50,000 ft ²	1 or 3	Note 2

Use	System #	Remarks
b. > 50,000 ft ²	4 or 5	Note 2
8. Schools		
a. ≤ 75,000 ft ² or ≤ 3 floors	1	
b. > 75,000 ft ² or > 3 floors	3	
9. Warehouse		Note 5

Footnote to TABLE 3-3: The system and energy types presented in this table are not intended as requirements or recommendations for the proposed design. Floors areas in the table are the total conditioned floor areas for the listed use in the building. The number of floors indicated in the table is the total number of occupied floors for the listed use.

TABLE 3-3 (cont.)
HVAC System Descriptions for Prototype Buildings¹

HVAC Component	System #1	System #2
System Description	Packaged rooftop single zone, one unit per zone.	Packaged terminal air conditioner with space heater or heat pump, heating or cooling unit per zone.
Fan System		
Design Supply Circulation Rate	Note 10	Note 11
Supply Fan Control	Constant volume.	Fan cycles with call for heating or cooling.
Return Fan Control	N.A.	N.A.

HVAC Component	System #1	System #2
Cooling System	Direct expansion air cooled	Direct expansion air cooled.
Heating System	Furnace, heat pump, or electric resistance.	Heat pump with electric resistance auxiliary or air conditioner with space heater.
Remarks	Drybulb economizer per Section 1433, heat recovery if required by Section 1436.	No economizer, if not required by Section 1433.

**TABLE 3-3 (cont.)
HVAC Systems Descriptions for Prototype Buildings¹**

HVAC Component	System #3	System #4
System Description	Air handler per zone with central plant.	Packaged rooftop VAV with perimeter reheat and fan-powered terminal units.
Fan System Design Supply Circulation Rate	Note 10	Note 10
Supply Fan Control	Constant volume.	VAV with forward curved centrifugal fan and variable inlet fans.
Return Fan Control	Constant volume.	VAV with forward curved centrifugal fan and discharge dampers.
Cooling System	Chilled water (Note 12)	Direct expansion air cooled.
Heating System	Hot water (Note 13)	Hot water (Note 13) or electric resistance.
Remarks	Drybulb economizer per Section 1433, heat recovery if required by Section 1436.	Drybulb economizer per Section 1433. Minimum VAV setting per Section 1435 Exception 1, Supply air reset by zone of greatest cooling demand, heat recovery if required by Section 1436.

**TABLE 3-3 (cont.)
HVAC System Descriptions for Prototype Buildings¹**

HVAC Component	System #5	System #6
System Description	Built-up central VAV with perimeter reheat and fan-powered terminal units	Four-pipe fan coil per zone with central plant.
Fan System Design Supply Circulation Rate	Note 10	Note 10
Supply Fan Control	VAV with air-foil centrifugal fan and AC frequency variable speed drive.	Fan cycles with call for heating or cooling.
Return Fan Control	VAV with air-foil centrifugal fan and AC frequency variable speed drive.	NA
Cooling System	Chilled water (Note 12)	Chilled water (Note 12)
Heating System	Hot water (Note 13) or electric resistance.	Hot water (Note 13) or electric resistance.
Remarks	Drybulb economizer per Section 1433. Minimum VAV setting per Section 1435 Exception 1, Supply air reset by zone of greatest cooling demand, heat recovery if required by Section 1436.	No economizer, if not required by Section 1433.

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**Numbered Footnotes for TABLE 3-3
HVAC System Descriptions for Prototype Buildings**

- The systems and energy types presented in this Table are not intended as requirements or recommendations for the proposed design.
- For occupancies such as restaurants, assembly and retail that are part of a mixed use building which, according to Table 3-3, includes a central chilled water plant (systems 3, 5, or 6), chilled water system type 3 or 5 shall be used as indicated in the table.
- Constant volume may be used in zones where pressurization relationships must be maintained by code. Where constant volume is used, the system shall have heat recovery if required by Section 1436. VAV shall be used in all other areas, in accordance with Sections 1432 through 1438.
- Provide run-around heat recovery systems for all fan systems with a minimum outside air intake greater than 70%. Recovery effectiveness shall be 0.50.
- If a warehouse is not intended to be mechanically cooled, both the standard and proposed designs shall be calculated assuming no mechanical cooling.
- The system listed is for guest rooms only. Areas such as public areas and back-of-house areas shall be served by system 4. Other areas such as offices and retail shall be served by systems listed in Table 3-3 for these occupancy types.

7. The system listed is for guest rooms only. Areas such as public areas and back-of-house areas shall be served by system 5. Other areas such as offices and retail shall be served by systems listed in Table 3-3 for these occupancy types.
8. Reserved.
9. Reserved.
10. Design supply air circulation rate shall be based on a supply-air-to-room air temperature difference of 20°F. A higher supply air temperature may be used if required to maintain a minimum circulation rate of 4.5 air changes per hour or 15 cfm per person to each zone served by the system, at design conditions. If return fans are specified, they shall be sized for the supply fan capacity less the required minimum ventilation with outside air, or 75% of the supply fan capacity, whichever is larger. Except where noted, supply and return fans shall be operated continuously during occupied hours.
11. Fan energy when included in the efficiency rating of the unit as defined in Section 1411, need not be modeled explicitly for this system. The fan shall cycle with calls for heating or cooling.
12. Chilled water systems shall be modeled using a reciprocating chiller for systems with total cooling capacities less than 175 tons, and centrifugal chillers for systems with cooling capacities of 175 tons or greater. For systems with cooling capacities of 600 tons or more, the standard design energy consumption shall be calculated using two centrifugal chillers, lead/lag controlled. Chilled water shall be assumed to be controlled at a constant 44°F. Chiller water pumps shall be sized using a 12°F temperature rise, from 44°F to 56°F, operating at 65% combined impeller and motor efficiency. Condenser water pumps shall be sized using a 10°F temperature rise, operating at 60% combined impeller and motor efficiency. The cooling tower shall be an open circuit, centrifugal blower type sized for the larger of 85°F leaving water temperature or 10°F approach to design wetbulb temperature. The tower shall be controlled to provide a 65°F leaving water temperature whenever weather conditions permit, floating up to design leaving water temperatures at design conditions. Chilled water supply temperature shall be reset in accordance with Section 1432.2.2.
13. Hot water system shall include a natural draft fossil fuel or electric boiler. The hot water pump shall be sized based on a 30°F temperature drop, from 180°F to 150°F, operating at a combined impeller and motor efficiency of 60%. Hot water supply temperature shall be reset in accordance with Section 1432.2.2.

PROPOSED

AMENDATORY SECTION (Amending WSR 98-03-003, filed 1/8/98, effective 7/1/98)

WAC 51-11-99904 Section 4—Suggested software for systems analysis approach.

~~((4.1 Programs Acceptable for Projects for Full-Year Hourly Analysis))~~

<u>Program Name</u>	<u>Source</u>	<u>Program Name</u>	<u>Source</u>
((ADM-DOE	ADM Associates 3239 Ramos Circle Sacramento, CA 95827 916-363-8383))	<u>EnergyPlus</u>	<u>James J. Hirsch & Associates Building Performance Analysis Software & Consulting 12185 Presilla Road Camarillo, CA 93012-9243 (805) 532-1045</u>
Blast 3.0 (Level ((193)) <u>334</u>)	Blast Support Office University of Illinois Dept. of Mechanical and Industrial Engineering 1206 W. Green Street Room ((30)) <u>140</u> , MEB Urbana, IL 61801 ((1-800-842-5278)) <u>(217) 244-8182</u>	ESAS	<u>Kathy Ellington Lawrence Berkeley National Laboratory (LBNL) Building 90, Room 3147 Berkeley, CA 94720-0001 (510) 486-5711</u>
DOE 2.1E	Energy Science and Technology Software Center (ESTSC) PO Box 1220 Oakridge, TN 37831-1020 423-576-2606	ESP-II	Ross Meriweather Consulting, Engineering 3315 Outrider San Antonio, TX 78247-4405 210-490-7081
		HAP ((2.02)) <u>3.24</u>	Automated Procedures for Engineering Consultants, Inc. 40 W. 4th Centre, Suite 2100 Dayton, OH 45402 937-228-2602
			Carrier Building Systems and Services 3215 South 116th St., Suite 133 Tukwila, WA 98168 (206)-439-0097

Program Name (MICRO-DOE2	Source ACROSOF/CAER- 1204 1/2 Washington Avenue Golden, CO 80401 303-279-8136))
Trace 600 Version (16.08)) 18.11 or Trace 700	The Trane Co. 3600 Pammel Creek Rd. Lacrosse, WI 54601 608-787-3926

WAC 51-11-2005	Above grade walls.
WAC 51-11-2006	Default U-factors for glazing and doors.
WAC 51-11-2007	Ceilings.
WAC 51-11-2008	Reserved.
WAC 51-11-2009	Mass.

~~((4.2 Programs only Acceptable for Commercial Buildings 25,000 Square Feet or Less~~

Program Name	Source
ADM-2	ADM Associates 3239 Ramos Circle Sacramento, CA 95827 916-363-8383
ASEAM	U.S. Department of Energy Clearinghouse 1(800) DOE-EREC (363-3732)
Building Energy Analysis and Easy DOE	Elite Software PO Drawer 1194 Bryan, TX 77806 409-846-2340
ESE	Sea Gate 5100 W. 82nd St., Suite 204 Bloomington, MN 55437 612-844-8000
Market Manager	SRC Systems 2855 Telegraph Ave., Suite 410 Berkeley, CA 94705 510-848-8400
XENCAP 4.5	XENERGY 492 9th Street, Suite 220 Oakland, CA 94607- 510-891-0446))

WSR 00-16-132
PROPOSED RULES
BUILDING CODE COUNCIL
[Filed August 2, 2000, 10:36 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 00-03-017.

Title of Rule: Amendment of chapters 51-44 and 51-45 WAC (amendment of the 1997 Edition of the Uniform Fire Code and Fire Code Standards).

Purpose: To consider whether to amend the 1997 Editions of the Uniform Fire Code and Fire Code Standards, Published by the International Fire Code Institute.

Statutory Authority for Adoption: RCW 19.27.031 and 19.27.074.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rules include adoption of amendments to the 1997 Uniform Fire Code and Fire Code Standards, including editorial corrections, elimination of conflicting language and improved requirements for fleet fueling and ammonia refrigeration.

Reasons Supporting Proposal: RCW 19.27.031 and 19.27.074.

Name of Agency Personnel Responsible for Drafting and Implementation: Al Rhoades, P.O. Box 48300, Olympia, WA 98504-8300, (360) 586-8999; and Enforcement: Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will amend chapters 51-44 and 51-45 WAC. Chapters 51-44 and 51-45 WAC adopt and amend the 1997 Edition of the Uniform Fire Code (UFC) and the Uniform Fire Code Standards published by the International Fire Code Institute. The purpose is to further amend the 1997 UFC to make editorial corrections and other improvements in the code language. The proposed amendments will provide greater safety and flexibility than the published version for application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, regulatory improvement, the following criteria

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 51-11-1201	Scope.
WAC 51-11-1210	Application of terms.
WAC 51-11-1701	Scope.
WAC 51-11-2000	Default heat-loss coefficients.
WAC 51-11-2001	General.
WAC 51-11-2002	Below grade walls and slabs.
WAC 51-11-2003	On-grade slab floors.
WAC 51-11-2004	Floors over unconditioned space.

PROPOSED

for regulatory review will be considered at the time of final adoption of the rule.

1. **Need.** This rule is necessary to comply with the requirements of RCW 19.27.074. The council must regularly review the Uniform Fire Code and Uniform Fire Code Standards, and adopt amendments as deemed appropriate by the council. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by physically disabled persons. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. **Effectiveness and Efficiency.** The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the central administrative agency for state-wide adoption of building codes.

3. **Clarity.** To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted.

4. **Intent and Statutory Authority.** The proposed rule is consistent with the legislative intent of the statute, chapter 19.27 RCW. The statute gives the council sufficient authority to maintain the State Building Code, and to amend the Uniform Fire Code and Uniform Fire Code Standards.

5. **Coordination.** The council rule-making process includes participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the Departments of Social and Health Services, Health, Labor and Industries, and the State Fire Marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. **Cost.** The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. **Fairness.** The state amendments to the Uniform Fire Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of individuals, organizations and businesses impacted by the building codes, to review changes and proposals.

Proposal Changes the Following Existing Rules: The proposed amendments will improve the existing rules by cor-

recting editorial errors and updating code language to allow improved practices to be utilized. The amendments added to the 1997 UFC are as follows:

1. **Section 103.2.1.1:** Editorial change to remove unnecessary duplicative language.

2. **Section 105.8:** Adds permit requirement to fuel motor vehicles directly from a tank vehicle, or to operate a site where motor vehicles are fueled directly from tank vehicles.

3. **Section 207 - F:** Adds definition for Family Child Day Care Home.

4. **Section 216 - O:** Editorial changes to coordinate definitions with other proposed changes.

5. **Section 219 - R:** Editorial changes to coordinate definitions with other proposed changes.

6. **Section 1007.2.12.10:** Deletion of section to remove conflicting language regarding visual alarms.

7. **Section 1007.3.3.3.4:** Editorial changes to clarify intent regarding visual alarms.

8. **Section 1102.3.1:** Relocation of reference to Department of Ecology WAC for open burning.

9. **Section 1102.4.1:** Relocation of reference to Department of Ecology WAC for recreational fires.

10. **Section 1109.8.3:** Adds the RCW source reference for an existing amendment.

11. **Section 2501.9.3:** Editorial correction of a publishing errata in the 1997 UFC.

12. **Section 2501.9.6.2:** Editorial correction of a publishing errata in the 1997 UFC.

13. **Section 2501.17:** Deletion of duplicative language contained in Section 1109.8.3 above.

14. **Section 5201.1:** Deletes existing language and adds reference to amended Section 7904.5.4.2 below for fueling motor vehicles directly from a tank vehicle.

15. **Section 6106:** Removes unnecessary language regarding gas appliances regulated by the mechanical code.

16. **Section 6307.1:** When required by the chief an emergency control box for ammonia refrigeration shall be installed per IIAR-2-1992.

17. **Section 6309:** Added language for ammonia refrigeration discharge, allowing the chief to require some treatment or a study to show that a hazardous condition will not occur.

18. **Section 7901.2.2:** Added definitions applying to the fueling of motor vehicles directly from tank vehicles.

19. **Sections 7904.5.4.2 and 7904.5.4.2.7:** Requirements for the fueling of motor vehicles directly from tank vehicles.

20. **Section 7904.5.4.2.2:** Editorial changes to improve language.

21. **Section 8001.3.2:** Change back to original 1997 UFC language.

22. **Sections 8102.2 and 8102.9 and Table 81-A:** Removal of the requirement for small hose valves and stations.

23. **Standard 10-1:** An amendment changing the frequency of required inspection and maintenance for fire extinguishers.

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

Small Business Economic Impact Statement

The State Building Code Council is proposing to adopt amendments to chapter 51-44 WAC, the 1997 Uniform Fire Code published by the International Fire Code Institute. The council appoints Technical Advisory Groups (TAGs) to conduct a comprehensive review of proposed code amendments. The participants on the Fire Code TAG represent architects, mechanical engineers, fire officials, insurance companies, model code organizations, homebuilders, large commercial organizations, utilities, and state agencies. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC by-laws.

Proposed amendments to WAC 51-44-6309, Pressure-relief Discharge of Ammonia Refrigerant, and to WAC 51-44-6307.1 Location of Emergency Control Box, have been identified by the Fire Code TAG and the Economic and Regulatory Assessment Committee as having a cost impact on businesses required to comply with the rule.

The proposed amendment to 6309 clarifies where the local fire chief has authority to require a containment system for ammonia discharge or to require engineering analysis to show atmospheric discharge is safe. The current rule implies the jurisdiction's authority to require a containment system by reference to industry standards. The amendment gives express authority to the fire chief to determine where an atmospheric release of ammonia refrigerant may reasonably be expected to result in significant concentrations of ammonia which may be hazardous to persons or other premises.

Cold storage industries would be impacted, where required by the local fire chief to install a containment system or complete an engineering analysis. For an ammonia refrigeration system with an overall cost of \$500,000 to \$750,000, the containment system would cost about \$8,000 to \$10,000. According to criteria established by Economic Committee, this represents more than a minor cost impact. The containment system represents between 1% and 2% of the total system cost.

The cost of the emergency control box is estimated at between \$3,000 and \$4,000, again assuming an overall system cost \$500,000 to \$750,000. This represents between 1/2 and 3/4 of 1% of total cost. The Economic Committee criteria designates 1/4 of 1% of total cost or less as "minor cost."

The cost of containment systems and an emergency control box are proportional to system capacity. Assuming that equivalent system capacities are capable of storing equivalent volume of product, the code amendments would not pose a disproportionate impact on small business. Further, the local fire chief must make a determination based on the industry standards, already in effect. The intent of the current code is to require an emergency control box. Atmospheric release installed according to the standards (ASHRAE 15-1994, IIAR 2-1992) is the general rule. The added costs for containment systems would apply only where a safety hazard exists.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building

Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-0486, fax (360) 586-5880.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA on September 15, 2000, at 10:00 a.m.; and at the Radisson Hotel, 17101 International Boulevard, SeaTac, WA, on October 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 1, 2000, TDD (360) 753-2200, or (360) 753-1184.

Submit Written Comments to: Judy Wilson, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by October 13, 2000.

Date of Intended Adoption: November 17, 2000.

August 2, 2000

Judy Wilson

Chairman

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-0103 Section 103—Inspection and enforcement.

103.2.1.1 General. The chief is authorized to administer and enforce this code. ~~((Exception: Medical Gas Systems, Section 7404.2.3))~~ Under the chief's direction, the fire department is authorized to enforce all ordinances of the jurisdiction pertaining to:

1. The prevention of fires,
2. The suppression or extinguishment of dangerous or hazardous fires,
3. The storage, use and handling of hazardous materials,
4. The installation and maintenance of automatic, manual and other private fire alarm systems and fire-extinguishing equipment,
5. The maintenance and regulation of fire escapes,
6. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction,
7. The maintenance of means of egress, and
8. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

For authority related to control and investigation of emergency scenes, see Section 104.

PROPOSED

NEW SECTION**WAC 51-44-0105 Section 105.8—Permit required.**

105.8 f.3 Flammable or combustible liquids. See Article 79..

1. To use or operate, repair or modify a pipeline for the transportation of flammable or combustible liquids.

2. To store, handle or use Class I liquids in excess of 5 gallons (18.9 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the chief, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class III-A liquids in excess of 25 gallons (94.6 L) in a building or in excess of 60 gallons (227.1 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

5. To install, construct, alter or operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material other than that for which the tank was designed and constructed.

8. To fuel motor vehicles directly from a tank vehicle, or to operate a site where motor vehicles are fueled directly from tank vehicles.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-0200 Article 2—Definitions and abbreviations.

SECTION 206 - E.

ELECTRICAL CODE is the National Electrical Code, promulgated by the National Fire Protection Association, as adopted in chapter 296-46 WAC, or the locally adopted Electrical Code.

SECTION 207 - F.

FAMILY CHILD DAY CARE HOME is a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

SECTION 216 - O.**Group E Occupancies:**

Group E Occupancies shall be:

Division 1. Any building used for educational purposes through the 12th grade by 50 or more persons for more than 12 hours per week or four hours in any one day.

Division 2. Any building used for educational purposes through the 12th grade by less than 50 persons for more than 12 hours per week or four hours in any one day.

Division 3. Any building or portion thereof used for day-care purposes for more than six persons.

EXCEPTION: Family child day care homes ((as defined in chapter 51-40 WAC, Uniform Building Code,)) shall be considered Group R, Division 3 Occupancies.

Group LC Occupancies:

Group LC Occupancies shall be:

Group LC Occupancies shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

1. ((Adult family home.
- 2.)) Adult residential rehabilitation facility.
- ((3.)) 2. Alcoholism intensive inpatient treatment service.
- ((4.)) 3. Alcoholism detoxification service.
- ((5.)) 4. Alcoholism long term treatment service.
- ((6.)) 5. Alcoholism recovery house service.
- ((7.)) 6. Boarding home.
- ((8.)) 7. Group care facility.
- ((9.)) 8. Group care facility for severely and multiple handicapped children.
- ((10.)) 9. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a Group I, Division 1.1 hospital.

Group R Occupancies:

Group R Occupancies shall be:

Division 1. Hotels and apartment houses. Congregate residences (each accommodating more than 10 persons).

Division 2. Not used.

Division 3. Dwellings, family child day care homes ((as defined in chapter 51-40 WAC, Uniform Building Code)), **adult family homes**, and lodging houses. Congregate residences (each accommodating 10 persons or less).

OPEN BURNING is the burning of a bonfire, rubbish fire or other fire in an outdoor location where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit. ((See chapter 173-425 WAC.))

SECTION 219 - R.

RECREATIONAL FIRE is the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking or similar purposes. ((See chapter 173-425 WAC.))

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-1007 Section 1007—Fire alarm systems.

1007.1.3 Where new construction or modification is to be in compliance with adopted chapter 51-40 WAC, Chapter 11, alarm modifications shall be designed to be compatible with the requirements of UFC Article 10.

~~((1007.2.12.10 Accessible buildings.~~

~~**1007.2.12.10.1 General.** Alarm systems in buildings which are required to have accessible building facilities shall include both audible and visible alarms. All devices shall be listed or approved. The alarm devices shall be located in all accessible sleeping accommodations and common-use areas, including toilet rooms and bathing facilities, hallways, and lobbies.~~

EXCEPTIONS:

1. Alarm systems in Group I, Division 1.1 and 1.2 Occupancies may be modified to suit standard health care design practice.
2. Visible alarms are not required in Group R, Division 1 apartment buildings.

~~1007.2.12.10.2 Alarms.~~

~~**1007.2.12.10.2.1 Audible alarms.** Audible alarms shall produce a sound in accordance with UFC Standard 10-2. Audible alarms shall exceed the prevailing equivalent sound level in the room or space by at least 15 decibels, or shall exceed any maximum sound level with a duration of 30 seconds by 5 decibels, whichever is louder. Sound levels for alarm signals shall not exceed 120 decibels.~~

~~**1007.2.12.10.2.2 Visible alarms.** Visible alarm signal appliances shall be integrated into the building or facility alarm system. All devices shall be listed or approved. Where single-station audible alarms are provided, single-station visible alarm signals shall be provided.~~

EXCEPTION: Visible alarms are not required in Group R, Division 1 apartment buildings.

Visible alarms shall be located per nationally recognized standards, NFPA 72, 1993 edition, and ANSI 117.1, 1992, shall be considered equivalent facilitation.

~~**1007.2.12.10.2.3 Access to manual fire alarm systems.** Manual fire alarm devices shall be mounted at least 36 inches (914.4 mm) and not more than 54 inches (1371.6 mm) above the floor where a parallel approach is provided. Where a parallel approach cannot be provided the height shall not exceed 48 inches (1219.2 mm).)~~

1007.3.3.3.4 Visual alarms. Where provided, alarm systems shall include both audible and visual alarms. Visual alarm devices shall be located in hotel guest rooms as required by the building code (see UBC Washington State Amendments, Section 1105.4.9); assembly areas; accessible public- and common-use areas, including toilet rooms and bathing facilities; hallways; and lobbies. (See UBC Washington State Amendments, Section 1106.15.2, for additional information about visual signals.)

NEW SECTION

WAC 51-44-1102 Section 1102—Incineration, open burning and commercial barbecue pits.

1102.3.1 General. Open burning shall be conducted in accordance with Section 1102.3. Open burning shall also be conducted as required by other governing agencies regulating emissions. See chapter 173-425 WAC.

EXCEPTION: Recreational fires shall be in accordance with Section 1102.4.

1102.4.1 General. Recreational fires shall be in accordance with Section 1102.4. See also chapter 173-425 WAC.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-1109 Section 1109—Control of sources of ignition.

1109.8.3 Religious ceremonies. Participants in religious ceremonies shall not be precluded from carrying hand-held candles. See RCW 19.27.031(3).

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-2500 Article 25—Places of assembly.

2501.9.3 Width with Fixed Seats. Aisles in assembly occupancies with fixed seats shall comply with Section 2501.9.3. The clear width of aisles shall be based on the number of occupants within the portion of the seating areas served by the aisle.

The clear width of an aisle in inches shall not be less than the occupant load served by the aisle multiplied by 0.3 for aisles with slopes greater than 1 unit vertical to 8 units horizontal (12.5% slope) and not less than 0.2 for aisles with a slope of 1 unit vertical to 8 units horizontal (12.5% slope) or

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less. In addition, when the rise of steps in aisles exceeds 7 inches (178 mm), the aisle clear width shall be increased by 1 1/4 inches (32 mm) for each 100 occupants or fraction thereof served for each 1/4 inch (6.35 mm) of riser height above 7 inches (178 mm).

EXCEPTION: For buildings with smoke-protected assembly seating and for which an approved life-safety evaluation is conducted, the minimum clear width of aisles and other means of egress may be in accordance with Table 2501-B. For Table 2501-B, the number of seats specified must be within a single assembly area, and interpolation shall be permitted between the specified values shown. If Table 2501-B is used the minimum clear widths shown shall be modified in accordance with the following:

~~(1. **Factor A:** If risers exceed 7 inches (178 mm) in height, multiply the stair width in the tables by factor A, where:~~

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ inches})}{5}$$

For SI:

$$A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$$

~~2. **Factor B:** Stairs not having a handrail within a 30-inch (760 mm) horizontal distance shall be 25 percent wider than otherwise calculated. Multiply by factor B, where B = 1.25.~~

~~3. **Factor C:** Ramps steeper than 1 unit vertical in 10 units horizontal (10% slope) where used in ascent shall be 10 percent wider than otherwise calculated. Multiply by factor C, where C = 1.10.~~

Where egress is possible in two directions, the width of such aisles shall be uniform throughout their length.

When aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.

In assembly rooms with fixed seats arranged in rows, the clear width of aisles shall not be less than set forth above and not less than the following:

~~Forty-eight inches (1219 mm) for stairs having seating on both sides.~~

~~Thirty-six inches (914 mm) for stairs having seating on one side.~~

~~Twenty-three inches (584 mm) between a stair handrail and seating when the aisles are subdivided by the handrail.~~

~~Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.~~

~~Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.~~

~~Twenty-three inches (584 mm) between a stair handrail and seating when an aisle does not serve more than five rows on one side.)~~

1. Where risers exceed 7 inches (178 mm) in height, multiply the stairway width in the tables by factor A, where:

$$A = 1 + \frac{(\text{riser height} - 7.0 \text{ inches})}{5} \quad (4-1)$$

For SI:
$$A = 1 + \frac{(\text{riser height} - 178 \text{ mm})}{127}$$

Where risers do not exceed 7 inches (178 mm) in height, A = 1.

2. Stairways not having a handrail within a 30-inch (762 mm) horizontal distance shall be 25 percent wider than otherwise calculated, i.e., multiply by B = 1.25. For all other stairs, B = 1.

3. Ramps steeper than 1 unit vertical in 10 units horizontal (10% slope) where used in ascent shall have their width increased by 10 percent, i.e., multiply by C = 1.10. For ramps not steeper than 1 unit vertical in 10 units horizontal (10% slope), C = 1. Where fixed seats are arranged in rows, the clear width of aisles shall not be less than set forth above or less than the following minimum widths:

3.1 Forty-eight inches (1219 mm) for stairways having seating on both sides.

3.2 Thirty-six inches (914 mm) for stairways having seating on one side.

3.3 Twenty-three inches (584 mm) between a stairway handrail and seating where the aisles are subdivided by the handrail.

3.4 Forty-two inches (1067 mm) for level or ramped aisles having seating on both sides.

3.5 Thirty-six inches (914 mm) for level or ramped aisles having seating on one side.

3.6 Twenty-three inches (584 mm) between a stairway handrail and seating where an aisle does not serve more than five rows on one side.

Where exit access is possible in two directions, the width of such aisles shall be uniform throughout their length. Where aisles converge to form a single path of exit travel, the aisle width shall not be less than the combined required width of the converging aisles.

2501.9.5 Ramp slope. The slope of ramped aisles shall not be more than 1 unit vertical in 8 units horizontal (12.5 percent slope). Ramped aisles shall have a slip-resistant surface.

EXCEPTION: When provided with fixed seating, theaters may have a slope not steeper than 1 unit vertical to 5 units horizontal (20 percent slope).

2501.9.6.2 When required. Aisles with a slope steeper than 1 unit vertical to 8 units horizontal (12.5 percent slope) shall consist of a series of risers and treads extending across the entire width of the aisle, except as provided in subsection 2501.9.5.

The height of risers shall not be more than ((7)) 8 inches ((178)) 203 mm or less than 4 inches (102 mm) and the tread run shall not be less than 11 inches (279 mm). The riser height shall be uniform within each flight and the tread run shall be uniform throughout the aisle. Variations in run or

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height between adjacent treads or risers shall not exceed 3/16 inch (4.8 mm). A contrasting marking stripe or other approved marking shall be provided on each tread at the nosing or leading edge such that the location of each tread is readily apparent when viewed in descent. Such stripe shall be a minimum of 1 inch (25.4 mm) wide and a maximum of 2 inches (51 mm) wide.

EXCEPTION: When the slope of aisle steps and the adjoining seating area is the same, the riser heights may be increased to a maximum of 9 inches (229 mm) and may be nonuniform but only to the extent necessitated by changes in the slope of the adjoining seating area to maintain adequate sightlines. Variations may exceed 3/16 inch (4.8 mm) between adjacent risers provided the exact location of such variations is identified with a marking stripe on each tread at the nosing or leading edge adjacent to the nonuniform riser. The marking stripe shall be distinctively different from the contrasting marking stripe.

2501.17 Candles and other open-flame devices. Candles and other open-flame devices shall not be used in places of assembly or in drinking or dining establishments.

EXCEPTIONS:

1. When used in conjunction with approved heating or cooking appliances in areas not accessible to the public.
2. When used in conformance with Section 1109.8.
3. When used in conformance with Section 8203.2.1.8.
4. ~~Hand held candles carried by participants in religious ceremonies. (See RCW 19.27.031(3))~~

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-5200 Article 52—Motor vehicle fuel-dispensing stations.

5201.1 Scope. Automotive, marine and aircraft motor vehicle fuel-dispensing stations shall be in accordance with Article 52 and UFC Standard 52-1. Such operations shall include both public accessible and private operations. ~~(Flammable and combustible liquids and LP gas shall also be in accordance with Articles 79 and 82.~~

EXCEPTION: ~~Class II or III liquids may be transferred from tank vehicles into fuel tanks of motor vehicles when approved by the chief, and under the following conditions:~~

1. ~~Only diesel fuel will be allowed and each premises shall require a separate permit issued in accordance with Section 105;~~
2. ~~Tank vehicles shall meet the requirements of the U.S. Department of Transportation (DOT) and UFC Standard 79-4 and as approved by the chief;~~
3. ~~The tank vehicle, while in service, shall not be left unattended. Tank vehicles with fuel in the cargo tank shall not be left unattended;~~
4. ~~A fire extinguisher with a classification of 2A-20BC shall be readily available at the fueling site;~~
5. ~~There shall be signs stating "NO SMOKING OR OPEN FLAME WITHIN 25 FEET (7620 mm)" readily visible at the fueling site;~~
6. ~~There shall be adequate lighting for night time operations;~~
7. ~~For other than marine motor vehicles, the fuel hose shall not exceed 50 feet (15 240 mm) in length;~~
8. ~~Approved automatic closing nozzles without a latch open device shall be used;~~

9. ~~Communication devices shall be available in accordance with Section 5201.6.3;~~
10. ~~Tank vehicles shall have emergency shut-off valves as approved by the chief;~~
11. ~~Dispensing shall be done in accordance with Section 7903.3.3;~~
12. ~~At least 20 feet (6096 mm) from any source of ignition;~~
13. ~~The applicant shall comply with all applicable federal, state and local environmental laws and regulations as a condition of permit;~~
14. ~~The private fueling area shall be located on an area graded in a manner to direct the spill away from buildings, storage and property lines.))~~

For provisions relating to the transfer of flammable and combustible liquids directly from tank vehicles into the fuel tanks of motor vehicles, see Section 7904.5.4.2.

The storage and use of flammable and combustible liquids and LP-gas shall also be in accordance with Articles 79 and 82.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-6100 Article 61—Oil-burning equipment.

SECTION 6102 - GENERAL.

The design, construction and installation of oil-burning equipment shall be in accordance with the Mechanical Code. Oil-burning equipment shall be of an approved type. Tanks and piping serving oil-burning equipment which has been out of service for a period of one year shall be removed from the ground or property or abandoned in place in accordance with Section 7902.1.7 of this code.

SECTION 6103 - PERMITS.

A permit is required to remove, abandon, place temporarily out of service or otherwise dispose of a combustible liquids tank. See Section 105.8, permit f.3. Such a permit may be issued without an inspection of the tank or premises as otherwise required in Section 105.4.

SECTION 6106 - PORTABLE UNVENTED OIL-BURNING HEATING APPLIANCES ~~((AND UNVENTED DECORATIVE GAS LOGS AND FIREPLACES))~~.

6106.1 General. The design, construction and use of portable unvented oil-burning heating appliances shall be in accordance with Section 6106 and other applicable provisions of this code.

6106.2 Equipment. Portable unvented oil-burning heating appliances shall be listed and shall be limited to a fuel tank capacity of 2 gallons (7.6 L).

EXCEPTION: Appliances approved for temporary use during construction processes are allowed to have a greater fuel tank capacity, provided such capacity does not exceed the terms of the listing of the appliance.

6106.3 Location. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Groups S, Divisions 3, 4, and 5 and Group U Occupancies.

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EXCEPTIONS:

1. When approved, portable unvented oil-burning heating appliances may be used in any occupancy during construction processes when such use is necessary for the construction and the use does not represent a hazard to life or property.

2. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source in any Group B, F-2, M, R or U Occupancy provided that such heaters shall not be located in any sleeping room or bathroom, and shall comply with RCW 19.27A.080, 19.27A.090, 19.27A.100, 19.27A.110, and 19.27A.120.

~~(3. Approved, unvented decorative gas logs and decorative fireplaces may be installed, used, maintained and permitted to exist in any Group I or R Occupancy, except bathrooms and bedrooms. An unvented decorative gas log is a listed natural or liquefied petroleum gas burning log with an open flame consisting of a metal frame or base supporting simulated logs which is designed so that its primary function lies in the aesthetic effect of the logs and flame. An unvented decorative fireplace is a listed unvented gas log permanently installed in a freestanding enclosure or zero clearance enclosure designed and approved for installation in walls or other building structures. Unvented decorative gas logs and fireplaces shall:~~

1. Be equipped with an approved oxygen depletion sensor;
2. Be listed;
3. Not be installed in any room which does not have an alternative primary source of heat;
4. Have free air volume of at least 50 cubic feet (1.4 m³) for each 1,000 Btu (2.2 mm²/W) of thermal output; and
5. Be permanently installed.)

6106.4 Fuel. The grade and type of fuel shall be in accordance with the listing for the appliance. Storage and handling of fuel shall be in accordance with Article 79.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-6300 Article 63—Refrigeration.

SECTION 6301 - SCOPE.

6301.1 This article shall govern the design, installation, construction and repair of refrigeration systems that vaporize and liquefy a fluid during the refrigerating cycle. Refrigerant piping design and installation, including pressure vessels and pressure relief devices, shall conform to this code. Permanently installed refrigerant storage systems and other components shall be considered as part of the refrigeration system to which they are attached.

6301.2 Refrigeration unit and system installations having a refrigerant circuit containing more than 220 pounds (100 kg) of Group A1 or 30 pounds (13.6 kg) of any other group refrigerant shall be in accordance with Article 63 and the Mechanical Code. See the Mechanical Code for refrigerant group descriptions. See also Sections 8001.1.2 and 8002.

EXCEPTION: The chief is authorized to exempt temporary or portable installations.

6301.3 Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15 - 1994. Ammonia refrigerating systems shall

comply with this code and, except as modified by this code, ASHRAE 15 - 1994 and IAR 2 - 1992.

SECTION 6307 - EMERGENCY CONTROL BOX.

6307.1 Location. When required by the chief an emergency control box shall be installed per IAR 2 - 1992.

SECTION 6309 - AMMONIA DISCHARGE.

Ammonia refrigeration discharge systems shall be designed and installed in accordance with ASHRAE 15 - 1994 Section 9.7.8.2, Ammonia Discharge and IAR 2 - 1992 except as noted in this section. Discharge to atmosphere is allowed unless the chief determines, upon review of the application and submittals, that the facility is located where an atmospheric release may reasonably be expected to result in significant concentrations of ammonia which may be hazardous to persons or other premises.

The chief may require one of the following:

1. Water tank containment system consisting of a tank containing one gallon of water for each two (2) pounds of ammonia (4 kg of water for each kilogram of ammonia) that will be released in one hour from the largest relief device connected to the discharge pipe. The water shall be prevented from freezing. The discharge pipe from the pressure-relief device shall distribute ammonia in the bottom of the tank but no lower than 33 feet (10 m) below the maximum liquid level. The tank shall contain the volume of water and ammonia without overflowing.

2. Other treatment systems that meet the requirements of the authority having jurisdiction.

3. For atmospheric release, an approved engineering analysis which includes the following information:

a. The anticipated discharge rate and quantity of ammonia discharged.

b. Assumed weather conditions, such as wind speed, wind direction, humidity, temperature, and conditions of atmospheric temperature inversion.

c. Emergency response planning.

d. Design benefits which would limit discharge.

EXCEPTION: An emergency discharge is not required for ammonia-water absorption unit systems installed outdoors servicing a dwelling unit provided that the discharge is shielded and dispersed.

SECTION 6310 - REFRIGERATION MACHINERY ROOMS.

6310.1 When Required. Where required by UMC Table 1104.2(1), a machinery room shall be provided to enclose refrigeration systems located indoors. Access to the machinery room shall be restricted to authorized personnel. For rooms where occupational exposure could occur, see WAC 269-62-07515 and 296-62-3112.

6310.2 Dimensions. A machinery room shall be dimensioned so as to provide clearances required by UMC Chapter 3. There shall be clear head room of not less than 7 feet 3 inches (2210 mm).

6310.3 Means of egress. Means of egress shall comply with Uniform Building Code Section 1020 - Special Hazards.

Each machinery room shall be provided with a minimum of one exit door that opens directly to the outside.

EXCEPTION: Self-closing, tight-fitting doors opening into a vestibule leading directly outside.

6310.4 Refrigerant-vapor Alarms. Machinery rooms shall contain a refrigerant vapor detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant vapor from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV - TWA values shown in UMC Table 1104.1. Detectors and alarms shall be placed in approved locations.

EXCEPTION: Detectors are not required for ammonia systems complying with UMC Section 1106.8.

6310.7 Special Requirements. Open flames that use combustion air from the machinery room shall not be installed in a machinery room.

EXCEPTIONS:

1. Matches, lighters, halide leak detectors and similar devices.
2. Where the refrigerant is carbon dioxide or water.
3. Fuel burning equipment shall not be prohibited in the same machinery room with refrigerant - containing equipment where combustion air is ducted from outside the machinery room and sealed in such a manner as to prevent any refrigerant leakage from entering the combustion chamber, or where a refrigerant vapor detector is employed to automatically shut off the combustion process in the event of refrigerant leakage.

SECTION 6311 - REFRIGERATION MACHINERY ROOM VENTILATION.

6311.1 General. Machinery rooms shall be mechanically ventilated to the outdoors. Mechanical ventilation shall be capable of exhausting the minimum quantity of air both at the normal operating and emergency conditions. Multiple fans or multispeed fans shall be allowed in order to produce the emergency ventilation rate to obtain a reduced airflow for normal ventilation.

EXCEPTION: Where a refrigerating system is located outdoors more than 20 feet (6096 mm) from any building opening and is enclosed by a penthouse, lean - to or other structure, natural or mechanical ventilation shall be provided in accordance with UMC Section 1105.9.

6311.2 Distribution of Ventilation. Provisions shall be made for supply air to replace that being exhausted. Openings for supply air shall be located to avoid intake of exhaust air. Air supply and exhaust ducts to the machinery room shall comply with the provisions of UMC Section 1105.9.

6311.3 Intermittent Control of Ventilation Systems. Fans providing refrigeration machinery room temperature control or automatic response to refrigerant vapor are allowed to be automatically controlled to provide intermittent ventilation as conditions require.

6311.4 Emergency Control of Ventilation Systems. Fans providing emergency purge ventilation for refrigerant escape shall have a clearly identified switch of the break-glass type

providing on-only control immediately adjacent to and outside of each refrigerant machinery room exit. Purge fans shall also respond automatically to the refrigerant concentration detection system set to activate the ventilation system at values not greater than the corresponding TLV - TWA values shown in UMC Table 1104.1. Ventilation equipment in ammonia machinery rooms equipped with a refrigerant vapor detector that will automatically start the ventilation system and actuate an alarm may be set at detection levels which exceed those in UMC Table 1104.1 but such detection level setting shall not exceed 1,000 ppm. An emergency purge control shall be provided with a manual reset only.

6311.6 Ventilation Discharge. Exhaust from mechanical ventilation systems shall be discharged 20 feet (6096 mm) or more from a property line or openings into buildings. Also see Section 6308.

6311.7 Fans. Fans and associated equipment intended to operate the emergency purge of other than Group A1 or Group B1 refrigerants shall meet the requirements for a Class I, Division 1 hazardous location as specified in the Electrical Code.

EXCEPTION: Ammonia machinery rooms.

SECTION 6313 - DETECTION AND ALARM SYSTEMS.

6313.2.1 Alarm. Refrigerant vapor alarms shall be activated at a value not greater than the corresponding TLV - TWA values shown in UMC Table 1104.1.

EXCEPTION: Alarms in ammonia machinery rooms may be activated by a detector setting not to exceed 1,000 ppm when the activation of the detector will automatically start the ventilation system.

6313.2.2 Automatic shutdown, is not adopted.

SECTION 6314 - REFRIGERATION MACHINERY ROOM EQUIPMENT AND CONTROLS.

6314.4 Emergency Control. A clearly identified switch of the break-glass type providing off-only control of electrically energized equipment and devices within the refrigeration machinery room shall be provided immediately adjacent to and outside of each refrigeration machinery room means of egress.

SECTION 6315 - REFRIGERANT CONTROL VALVES.

6315.2 Support. Stop valves installed in copper refrigerant lines of 7/8 inch (22 mm) or less outside diameter shall be securely supported independently of the tubing or piping.

SECTION 6318 - INSTRUCTIONS.

The person in charge of premises on which a refrigeration unit or system is installed shall provide an approved card located in the emergency control box designating:

1. Instructions for suspending operation of the system in the event of an emergency,
2. The name, address, and emergency telephone numbers to obtain emergency service,

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3. The name, address, and telephone number of the fire department with instructions to notify the fire department in the event of an emergency,

4. The names, addresses, and telephone numbers of all corporate, local, state, and federal agencies to be contacted as required in the event of a reportable incident, and,

5. The location and operation of emergency discharge systems when such systems are required by Article 63.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-7900 Article 79—Flammable and combustible liquids.

SECTION 7901.2.2—DEFINITIONS - LIMITED APPLICATION.

AUTO START AND STOP NOZZLE is an approved dispensing nozzle that is not capable of dispensing liquid unless the nozzle is in contact with the fuel fill opening of the motor vehicle. The nozzle must be incapable of dispensing liquid until the nozzle has entered the fuel fill opening of the motor vehicle fuel tank. The nozzle will automatically stop dispensing prior to full extracting the nozzle from the fuel tank opening.

MOTOR VEHICLE includes, but is not limited to, a vehicle, machine, tractor, trailer, or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. The term "motor vehicle" also includes freight containers or cargo tanks used, or intended for use, in connection with motor vehicles. For reference, see 49 CFR Pt. 171.8 (October 1994).

REMOTE EMERGENCY SHUT-OFF DEVICE is a device capable of halting the pumping of fuel from the furthest point at which the fuel is being dispensed, but not less than 100 feet.

SECTION 7902 - STORAGE.

7902.1.7.2.4 Tanks abandoned in place. Tanks abandoned in place shall be abandoned as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping,
2. The suction, inlet, gage, vapor return and vapor lines shall be disconnected,
3. The tank shall be filled completely with an approved, inert solid material,

EXCEPTION: Residential heating oil tanks of 1,100 gallons (4,164 L) or less, provided the fill line is permanently capped or plugged, below grade, to prevent refilling of the tank.

4. Remaining underground piping shall be capped or plugged, and

5. A record of the tank size, location and date of abandonment shall be retained.

7902.6.8 Leaking tanks. Leaking tanks shall be handled in accordance with WAC 173-360-325.

7902.6.10 Tank lining. Steel tanks are allowed to be lined only for the purpose of protecting the interior from corrosion or providing compatibility with a material to be stored. Only those liquids tested for compatibility with the lining material are allowed to be stored in lined tanks. Lining of leaking underground storage tanks shall be done in accordance with the provisions of WAC 173-360-325.

7902.6.15.2 Cathodic protection. Cathodic protection systems provided for corrosion protection shall be in accordance with recognized standards. See WAC 173-360-320.

SECTION 7903 - DISPENSING, USE, MIXING AND HANDLING.

7903.4 Solvent Distillation Units.

7903.4.1 General. Solvent distillation units used to recycle Class I, II or III-A liquids having a distillation chamber capacity of 60 gallons (227.1 L) or less shall be listed, labeled and installed in accordance with Section 7903.4 and nationally recognized standards. See Article 90, Standard u.1.17.

EXCEPTIONS:

1. Solvent distillation units installed in dry-cleaning plants in accordance with Section 3603.
2. Solvent distillation units used in continuous throughput industrial processes where the source of heat is remotely supplied using steam, hot water, oil or other heat-transfer fluids, the temperature of which is below the auto-ignition point of the solvent(s).
3. Approved research, testing and experimental processes.

Solvent-distillation units used to recycle Class I, II or III-A liquids, having a distillation chamber capacity exceeding 60 gallons (227.1 L) shall be used in locations that comply with the use and mixing requirements of Section 7903 and other applicable provisions in Article 79.

Classes I, II and III-A liquids also classified as unstable (reactive) shall not be processed in solvent-distillation units.

EXCEPTION: Appliances listed for the distillation of unstable (reactive) solvents.

SECTION 7904 - SPECIAL OPERATIONS.

7904.5.4.2 Destination of liquids off loaded from tank vehicles and tank cars.

7904.5.4.2.1 General. Class I, II or III liquids shall be transferred from a tank vehicle or tank car only into an approved atmospheric tank or approved portable tank, except as provided in Sections 7904.5.4.2.2 through 7904.5.4.2.7.

7904.5.4.2.2 Marine craft and special equipment. Liquids intended for use as motor fuels are allowed to be transferred from tank vehicles into the fuel tanks of marine craft and special equipment (~~under the following conditions and~~) when approved, and when:

1. The tank vehicle's specific function is that of supplying fuel to fuel tanks and each premises shall require a separate permit issued in accordance with Section 105,

2. The operation shall be performed only where the general public has no access or where there is no unusual exposure to life and property,

3. The dispensing line shall not exceed 50 feet (15 240 mm) in length, and

4. The dispensing nozzle is approved.

7904.5.4.2.2.1 Vehicle fueling. When approved by the chief, dispensing of motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles is allowed in accordance with Article 52 and Sections 7904.2 and 7904.5.4.2.((2-))

7904.5.4.2.7 Fueling of motor vehicles from tank vehicles.

7904.5.4.2.7.1 General. The transfer of gasoline or other Class I flammable liquid into the fuel tank of a motor vehicle is prohibited except as provided for in Sections 7904.5.4.2.2 through 7904.5.4.2.6. The transfer of a Class II combustible liquid (e.g., diesel fuel) into the fuel tank of a motor vehicle shall be in accordance with Section 7904.5.4.2.7.

7904.5.4.2.7.2 Permits and plans. See also Section 105.8, Permit f.3. A permit is required:

1. To transfer fuel into a motor vehicle directly from a tank vehicle.

2. For any site where fuel is transferred into the fuel tank of a motor vehicle directly from a tank vehicle.

The following information shall be included with any application for permit to transfer fuel into a motor vehicle from a tank vehicle:

- License number of each fuel delivery vehicle.
- Proof of tank vehicle compliance with 49 CFR 178 requirements and inspections. Documentation showing inspection approval of the vehicles by a USDOT registered inspector shall be proof of compliance.
- An approved Spill Response Plan.

The following information shall be included with any application to utilize a site for the transfer of fuel into motor vehicles from tank vehicles:

- A site plan showing all property lines, buildings, facilities, hazardous materials, parking, lighting, fencing, openings into buildings, storm drains, unpaved areas, lanes of egress and the proposed location(s) of fueling.

7904.5.4.2.7.3 Fuel delivery vehicles.

7904.5.4.2.7.3.1 Maintenance. All required equipment, safety features and devices on the fuel delivery vehicle shall be maintained in full working order at all times.

7904.5.4.2.7.3.2 Compliance with USDOT regulations. Fuel delivery vehicles shall comply with all applicable 49 CFR 178 requirements. Documentation from a USDOT registered inspector shall be available for review by the fire department and shall be proof of compliance.

7904.5.4.2.7.3.3 Fuel dispensing hoses. The fueling hose shall not be extended beyond 50 feet.

EXCEPTION: The fueling hose may be extended up to a distance of 125 feet if the operator carries an approved remote

emergency shut-off device capable of stopping the flow of fuel. The demonstrated distance by which the remote emergency shut-off reliably operates shall determine the approved hose distance or as denoted by the manufacturer, whichever distance is less. The hose shall be clearly marked at the approved distance. The approved distance marking on the hose shall consist of a band, the length of which shall be a minimum of 12 inches. The marking shall be of contrasting color to the hose.

All pressure hoses and couplings shall be inspected at intervals appropriate to the service. Any hose showing materials deterioration, signs of leakage or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

7904.5.4.2.7.3.4 Hose diameter. The inside diameter of the delivery hose shall not exceed 1-1/4 inches.

7904.5.4.2.7.3.5 Spill control equipment. Fuel delivery vehicles shall be equipped with clean-up supplies in accordance with the Department of Ecology's Storm-water Management in Washington State Volume IV Source Control Best Management Practice Number S1.11. Such supplies shall be readily available for employment by the operator at all times.

7904.5.4.2.7.3.6 Nozzle. The dispensing nozzle shall be an approved listed automatic closing type hose nozzle without a latch-open device or an approved auto start and stop nozzle with a latch-open device.

7904.5.4.2.7.3.7 Emergency shut-off valve. The fuel delivery vehicle shall have an approved emergency shut-off valve on the fuel delivery vehicle.

7904.5.4.2.7.3.8 Fire extinguisher. The fuel delivery vehicle shall have a fire extinguisher with a minimum rating of 2A 20BC located in a readily accessible location.

7904.5.4.2.7.4 Operation requirements.

7904.5.4.2.7.4.1 Training. Fuel delivery vehicle operators shall comply with current training and certification requirements in accordance with local, state and federal regulations for handling, dispensing and transporting hazardous materials.

7904.5.4.2.7.4.2 Notification of spills. The fuel delivery vehicle operator shall, without delay, directly notify the fire department via 911 when an unauthorized discharge becomes reportable under state, federal or local regulations or when any spill or accidental release is not contained by spill prevention measures.

7904.5.4.2.7.4.3 Location of attendant during dispensing. The attendant shall be located at the nozzle at all times when fuel is being dispensed.

7904.5.4.2.7.4.4 Signage. Signs stating NO SMOKING or OPEN FLAME WITHIN 25 FEET, or an approved equivalent, shall be visible and readable at the fueling site.

7904.5.4.2.7.4.5 Emergency communication. Each tanker shall have a mobile or portable phone or two-way radio to an attended base.

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7904.5.4.2.7.4.6 Warning lights. The fuel delivery vehicle's parking brake and the hazard warning lights shall be activated during fueling operations.

7904.5.4.2.7.4.7 Spill prevention.

7904.5.4.2.7.4.7.1 Overfill and drip protection. Operators shall place a drip pan or absorbent, in good condition, under each fuel fill opening prior to and during all dispensing operations. Drip pans shall be liquid tight. The pan or absorbent shall have a capacity of at least 3 gallons. Spills retained in the drip pan or absorbent pillow need not be reported. Operators, when fueling, shall have on their persons an absorbent pad capable of capturing diesel foam overfills. Except during fueling, the nozzle shall face upwards and an absorbent pad shall be kept under the nozzle to prevent drips. Contaminated absorbent pads shall be disposed of regularly in accordance with local, state and federal requirements.

7904.5.4.2.7.4.7.2 Topping off. Fuel expansion space shall be provided in each motor vehicle tank to prevent overflow. Tanks shall not be topped off. The operator shall cease filling and remove the fill nozzle if the automatic shut-off engages.

7904.5.4.2.7.4.8 Lighting. The operator shall provide lighting that provides clear illumination at the point of fueling. General lighting of the fueling area shall be provided for nighttime fueling.

7904.5.4.2.7.4.9 Vehicle motor shutdown. The vehicle being fueled shall be shut off during fueling operations.

7904.5.4.2.7.4.10 Fuel hoses. At no time shall the fueling hose extend across a trafficable lane without fluorescent traffic cones conspicuously placed so that all vehicle traffic is blocked.

The fuel hose shall be returned to its storage location on the vehicle prior to repositioning the vehicle. At no time shall the hose be allowed to drag behind the vehicle while it is in motion.

7904.5.4.2.7.5 Site requirements.

7904.5.4.2.7.5.1 Property owner's consent. All persons and parties with an interest in the property (i.e., property owner, lessor, real estate company, property manager as well as operators of the property) must give consent in writing to allow the mobile fueling to occur on the property. Managers, lessees, renters and other persons cannot solely give permission. Each person or party must indicate that they understand the risk of spills.

7904.5.4.2.7.5.2 Location of fueling. The fuel dispensing vehicle and the fueling operation shall be at least 15 feet from all property lines, streets, alleys, public ways, building openings and storm drains.

EXCEPTIONS:

1. The distance to storm drains can be eliminated if an approved storm drain cover or an approved equivalent that will prevent any fuel from reaching the drain is in place prior to fueling or hose being placed within 15 feet of the drain. When placement of a storm drain cover will cause the accumulation of excessive water or difficulty in safely conducting the fueling, it shall

not be used and fueling shall not take place within 15 feet of a drain.

2. The distance to storm drains can be eliminated for drains that direct intake to approved oil-water separators.

7904.5.4.2.7.5.3 Sources of ignition. Fuel dispensing is prohibited within 15 feet of any source of ignition.

7904.5.4.2.7.5.4 Access. Mobile fueling operations shall not be performed during times when the public has access to the area unless restricted by remoteness of the property, fencing or other control measures.

AMENDATORY SECTION (Amending WSR 98-02-053, filed 1/6/98, effective 7/1/98)

WAC 51-44-8000 Article 80—Hazardous materials.

SECTION 8001 - GENERAL.

8001.3.2 Hazardous materials management plan. When required by the chief, each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

1. Storage and use areas,
2. Maximum amount of each material stored or used in each area,
3. Range of container sizes,
4. Locations of emergency isolation and mitigation valves and devices,
5. Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines,
6. On and off positions of valves for valves which are of the self-indicating type, and
7. Storage plan showing the intended storage arrangement, including the location and dimensions of aisles.

The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages.

See also Appendix II-E.

SECTION 8003 - STORAGE.

8003.3.2.3 Canopies. Portable tanks and cylinders stored outside of buildings shall be stored under a canopy of non-combustible construction. Such storage shall not be considered indoor storage. See also Section 8003.1.14.

EXCEPTION: Portable tanks and cylinders used for storing anhydrous ammonia (fertilizer grade).

An automatic fire-sprinkler system shall be provided for canopies used for storage of highly toxic or toxic compressed gases.

EXCEPTION: Where water is incompatible with the hazardous material stored, the chief may approve alternate fire suppression methods to an automatic sprinkler system.

NEW SECTION

WAC 51-44-8102 Section 8102—General fire-protection and life-safety features.

8102.2 Extent and type of protection. Fire-detection systems, smoke and heat removal, curtain boards, and fire sprinkler design densities shall extend the lesser of 15 feet (4572 mm) beyond the high-piled storage area or to a permanent partition. When portions of high-piled storage areas have different fire-protection requirements due to commodity, method of storage or storage height, the fire-protection features required by Table 81-A within this area shall be based on the most restrictive design requirements.

8102.9 Hose connections.

8102.9.1 Fire department hose connections. When exit passageways are required by the building code for egress, a Class I standpipe system shall be provided in accordance with the Building Code. See UBC Standard 9-2.

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TABLE 81-A—GENERAL FIRE-PROTECTION AND LIFE-SAFETY REQUIREMENTS

COMMODITY CLASS	SIZE OF HIGH-PILED STORAGE AREA ¹ (square feet) (See Sections 8102.2 and 8102.4)	ALL STORAGE AREAS (See Section 8102, 8103 and 8104) ²					SOLID-PILED STORAGE, SHELF STORAGE AND PALLETIZED STORAGE (See Section 8103.3)		
		Automatic Fire-extinguishing System (See Section 8102.4)	Fire-detection System (See Section 8102.5)	Building Access (See Section 8102.6)	Smoke and Heat Removal (See Section 8102.7)	Curtain Boards (See Section 8102.8)	Maximum Pile Dimension ³ (feet)	Maximum Permissible Storage Height ⁴ (feet)	Maximum Pile Volume (cubic feet)
	x 0.0929 for m ²					x 3048 for mm		x 0.0283 for m ³	
I-IV	0-500	NR ¹	NR	NR ⁵	NR	NR ⁶	NR	NR	NR
	501-2,500	NR ¹	Yes	NR ⁵	NR	NR ⁶	100	40	100,000
	2,501-12,000 Public accessible	Yes	NR	NR ⁵	NR	NR ⁶	100	40	400,000
	2,501-12,000 Nonpublic accessible (Option 1)	Yes	NR	NR ⁵	NR	NR ⁶	100	40	400,000
	2,501-12,000 Nonpublic accessible (Option 2)	NR ¹	Yes	Yes	Yes	Yes	100	30 ⁷	200,000
	12,001-20,000	Yes	NR	Yes	Yes	Yes	100	40	400,000
	20,001-500,000	Yes	NR	Yes	Yes	Yes	100	40	400,000
	Greater than 500,000 ⁸	Yes	NR	Yes	Yes	Yes	100	40	400,000
High hazard	0-500	NR ¹	NR	NR ⁵	NR	NR ⁶	50	NR	NR
	501-2,500 Public accessible	Yes	NR	NR ⁵	NR	NR ⁶	50	30	75,000
	501-2,500 Nonpublic accessible (Option 1)	Yes	NR	NR ⁵	NR	NR ⁶	50	30	75,000
	501-2,500 Nonpublic accessible (Option 2)	NR ¹	Yes	Yes	Yes	Yes	50	20	50,000
	2,501-300,000	Yes	NR	Yes	Yes	Yes	50	30	75,000
	300,001-500,000 ^{8,9}	Yes	NR	Yes	Yes	Yes	50	30	75,000

NR = Not required.

¹When fire sprinklers are required for reasons other than Article 81, the portion of the sprinkler system protecting the high-piled storage area shall be designed and installed in accordance with Sections 8103 and 8104.

²For aisles, see Section 8102.10.

³Piles shall be separated by aisles complying with Section 8102.10.

⁴For storage in excess of the height indicated, special fire protection shall be provided in accordance with Footnote 8 when required by the chief. See also Articles 79 and 88 for special limitations for flammable and combustible liquids and aerosols.

⁵Section 902.2 shall apply for fire apparatus access

⁶Curtain boards shall be installed as required by the Building Code. See UBC Section 906.

⁷For storage exceeding 30 feet (914 mm) in height, Option 1 shall be used.

⁸Special fire-protection provisions such as, but not limited to, fire protection of exposed steel columns; increased sprinkler density; additional in-rack sprinklers, without associated reductions in ceiling sprinkler density; or additional fire department hose connections shall be provided when required by the chief.

⁹High-piled storage areas shall not exceed 500,000 square feet (46 451.5 m²). A two-hour area separation wall shall be used to divide high-piled storage exceeding 500,000 square feet (46 451.5 m²) in area.

NEW SECTION**WAC 51-45-10100 Standard 10-1—Selection, installation, inspection, maintenance and testing of portable fire extinguishers.**

4-1.2 The procedure for inspection and maintenance of fire extinguishers varies considerably. Minimal knowledge is necessary to perform a monthly "quick check" or inspection in order to follow the inspection procedure as outlined in Section 4-3. A trained person who has undergone the instructions necessary to reliably perform maintenance and has the manufacturer's service manual shall service the fire extinguishers not more than six years apart, as outlined in Section 4-4.

4-3.1* Frequency. Extinguishers shall be inspected when initially placed in service and thereafter at approximately 30-day (monthly) intervals. Extinguishers shall be inspected at more frequent intervals when circumstances require. Inspection procedures shall be performed in accordance with 4-3.2.

4-3.2 Procedures. Monthly inspection of extinguishers shall include a check of at least the following items:

- (a) Located in designated place.
- (b) No obstructions to access or visibility.
- (c) Operating instructions on nameplate legible and facing outward.
- (d) Seals and tamper indicators not broken or missing.
- (e) Determine fullness by weighing or "hefting."
- (f) Examine for obvious physical damage, corrosion, leakage, or clogged nozzle.
- (g) Pressure gage reading or indicator in the operable range or position.

4-4.1 Frequency. Extinguishers shall be subjected to maintenance not more than six years apart or when specifically indicated by an inspection. Other maintenance and testing frequencies shall be performed in accordance with 4-4 and 4-5. Maintenance procedures shall be performed in accordance with 4-4.2.

**WSR 00-16-133
PROPOSED RULES
BUILDING CODE COUNCIL**

[Filed August 2, 2000, 10:37 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-03-017.

Title of Rule: Amendment of chapter 51-13 WAC, Washington State Ventilation and Indoor Air Quality Code.

Purpose: To consider whether to amend the 1997 Edition of the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC).

Statutory Authority for Adoption: RCW 19.27.190 and 19.27.020.

Statute Being Implemented: Chapters 19.27 and 34.05 RCW.

Summary: The proposed rules include adoption of amendments to the 1997 Washington State Ventilation and Indoor Air Quality Code, including editorial corrections, a rewrite of Chapter 3 - Ventilation Systems for clarity, amendments to specific ventilation requirements, allowance of alternate systems for nonresidential applications and amendments to the radon resistive construction requirements.

Reasons Supporting Proposal: RCW 19.27.190 and 19.27.020.

Name of Agency Personnel Responsible for Drafting and Implementation: Judith Darst, P.O. Box 48300, Olympia, WA 98504, (360) 586-2251; and **Enforcement:** Local jurisdictions.

Name of Proponent: Washington State Building Code Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The council is seeking comments on the issues proposed in the rules shown below.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule amends chapter 51-13 WAC, Washington State Ventilation and Indoor Air Quality Code. The purpose is to amend the 1997 Washington State Ventilation and Indoor Air Quality Code, including editorial corrections, a rewrite of Chapter 3 - Ventilation Systems for clarity, amendments to specific ventilation requirements, allowance of alternate systems for nonresidential applications and amendments to the radon resistive construction requirements. The proposed amendments will provide greater clarity, consistency, and ease of use than the published version for application in Washington state.

Regulatory Review: In compliance with Executive Order 97-02, regulatory improvement, the following criteria for regulatory review will be considered at the time of final adoption of the rule.

1. Need. This rule is in conformance with RCW 19.27.190 Indoor air quality. The council regularly reviews existing state-wide building codes. The purpose and objective of this review, as given in RCW 19.27.020, is to promote the health, safety and welfare of the occupants or users of buildings; to require minimum construction standards for the state of Washington; to permit the use of modern technical methods; to eliminate restrictive, obsolete, conflicting, duplicating and unnecessary regulations; and to provide standards to make buildings accessible to and usable by persons with physical disabilities. The technical advisory groups appointed by the council have identified rules that are obsolete, duplicative or ambiguous, and have proposed amendments and revisions.

2. Effectiveness and Efficiency. The mission of the council is to adopt building codes for uniform application throughout the state. In the course of the regular rule review, the council examined regulatory alternatives and new technologies. The council has identified where alternatives can be used effectively and efficiently. The council efficiently achieves uniform state building codes by serving as the cen-

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tral administrative agency for state-wide adoption of building codes.

3. **Clarity.** The council revised their filing procedure for state amendments to the national uniform codes. To enhance clarity, only those subsections with a state amendment will be filed under the main section number. The balance of the main section will remain as written in the national uniform code, as adopted by reference, unless otherwise noted. This reformatting change reorganizes and shortens the WACs.

4. **Intent and Statutory Authority.** The proposed rule is consistent with the legislative intent of the statute chapter 19.27 RCW. The statute gives the council sufficient authority to maintain the state building code, and to amend and adopt state-wide codes as deemed appropriate.

5. **Coordination.** The council rule-making process has included participation by national, state, and local building, fire, mechanical and plumbing officials, as well as state agency representatives for the Departments of Social and Health Services, Health, Labor and Industries, and the State Fire Marshal. The council actively seeks participation from other state agencies to assure that duplication and inconsistency is eliminated.

6. **Cost.** The council appointed technical advisory groups and an Economic and Regulatory Assessment Committee to examine the costs and benefits associated with the revisions to the building codes.

7. **Fairness.** The state amendments to the Ventilation and Indoor Air Quality Code proposed by the council are intended to mitigate disproportionate impact on the regulated community. The council is made up of representatives from the regulated community, as well as public and regulatory officials. In addition, the council enlisted the assistance of technical advisory groups, made up of the individuals, organizations and businesses impacted by the building codes, to review code changes and proposals.

Proposal Changes the Following Existing Rules: 1. **Sections 101.4, 302.3.2, 303.4.1.3, 303.4.2.2, 303.4.3.4, and 303.4.4.2 (two options):** This proposed amendment requires an affixed label for the whole house ventilation control. The second option also provides a reference to operating instructions and inserts a new section 101.4 Operating Instructions that requires installers to provide information consistent with the present Uniform Mechanical Code requirements for installed mechanical equipment.

2. **Chapter 3 reformat:** This proposed amendment reorganizes Chapter 3 to help clarify the parameters of the requirements by system type. The other listed changes to Sections 302 and 303 are duplicated in multiple sections as they apply to each different system type.

3. **Sections 302.2.1 and 303.3.1:** This proposed amendment adds a room with an unvented decorative gas log or decorative gas fireplace to the list of rooms requiring source specific ventilation.

4. **Sections 302.3.3, 303.3.2, 303.4.1.1, 303.4.1.2, and 303.4.1.5:** This proposed amendment is editorial (updating referenced Home Ventilating Institute (HVI) testing standards to more current versions).

5. **Section 303.4.1.5:** This proposed amendment adds a new exception that does not require outdoor air inlets for exhaust only ventilation systems if the home has a ducted forced air heating system that communicates with all habitable rooms and the interior doors are undercut.

6. **Section 303.4.2.1:** This proposed amendment clarifies that flow rates for all three integrated whole house ventilation system options (motorized damper, manual damper, or automatic flow regulated device) must be field measured. This amendment also clarifies compliance requires meeting the "minimum" flow rates as specified in Table 3-2.

7. **Section 304.2:** This proposed amendment allows alternate nonresidential systems designed in accordance with ASHRAE Standard 62.1.1999.

8. **Section 503.2.3:** This proposed amendment changes the aggregate requirement for radon resistive construction from a specialized "radon rock" to a more common "pea gravel."

9. **Section 503.2.4:** This proposed amendment relocates the soil-gas retarder membrane, required in radon resistive construction, from "directly under the concrete slab" to "directly on top of the aggregate and under a two inch layer of sand gravel."

10. **Section 503.2.6 and new section 503.4 (two options):** This proposed amendment clarifies requirements for the "T" within the aggregate area, required in radon resistive construction, by specifying that the five foot perforated drain pipe shall extend in each direction from the tee. This amendment also increases the minimum pipe diameter required for slabs over 750 square feet and requires approval for slabs over 3000 square feet. The second option removes the exception that defines a sub-slab depressurization system and relocates the information by adding a new section 503.4.

11. **Section 503.2.8:** This code section requires a separate vent pipe for each isolated aggregate area in radon resistive construction. This proposal amends the exception which allows separate aggregate areas to be considered as a single area. The amendment increases the required area of connection from a "three inch diameter" to an "area of twelve square inches." The frequency of joining the area is also increased from every "30 feet" to every "10 linear feet or fraction thereof." The amendment further defines the connection by requiring that it "allow air flow" and that it "remain free from obstruction."

12. **Section 503.3:** This proposed amendment is a new section requiring a radon vent for crawlspace ventilation in radon resistive construction. The size of the required vent pipe is dependent on the area of the crawlspace and is consistent with the vent pipe sizing requirements for slabs.

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

Small Business Economic Impact Statement

The State Building Code Council is proposing to adopt amendments to chapter 51-13 WAC, the Washington State Ventilation and Indoor Air Quality Code. The council appoints Technical Advisory Groups (TAGs) to conduct a comprehensive review of proposed code amendments. The participants on the Mechanical and Ventilation Codes TAG

represent architects, mechanical engineers, mechanical contractors, building officials, building operators, manufacturers, model code organizations, homebuilders, utilities, state agencies, and radon specialists. The Economic and Regulatory Assessment Committee consists of council members as specified in SBCC by-laws.

Proposed amendments to the following sections have been identified by the Mechanical and Ventilation Codes TAG and the Economic and Regulatory Assessment Committee as having a cost impact on businesses required to comply with the rule. The costs would be minor by the definition of the Economic Committee, at less than 1/4 of 1% of total construction cost.

WAC 51-13-302.3.2 Labels for whole house fans in residences. Requires a label reading "Whole House Ventilation" be affixed to the automatic control timer specified in this section. The rule would impose a minor cost impact on homebuilders and mechanical contractors.

WAC 51-13-502 Crawlspace radon vent pipe. Adds a requirement in 6 counties for a 3 inch to 4 inch diameter radon vent pipe in all new homes with a crawlspace. The cost is estimated to be about \$120 for 4 inch pipe, \$87 for 3 inch pipe, in a typical two story residence.

WAC 51-13-503.2.4 Soil Gas retarder membrane. Adds a requirement for 2 inches of fine sand or pea gravel between membrane material and slab. Cost of material is estimated to be \$15 to \$30.

WAC 51-13-503.2.6 Radon Vent. Adds to the required length of subslab vent pipe, and increases diameter of pipe from 3 inches to 4 inches for slabs over 750 square feet. The added material cost would be between \$25 to \$30 dollars.

WAC 51-13-503.2.8 Separate Aggregate Areas, Radon Resistive Construction Increases area opening, from 7 square inches to 48 square inches, to join separate aggregate areas. Additional cost would be minimal.

A copy of the statement may be obtained by writing to Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-0486, fax (360) 586-5880.

RCW 34.05.328 does not apply to this rule adoption. The State Building Code Council is not listed in this section as one of the agencies required to comply with this regulation.

Hearing Location: Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA, on September 15, 2000, at 10:00 a.m.; and at the Radisson Hotel, 17101 International Boulevard, SeaTac, WA, on October 13, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sue Mathers by September 1, 2000, TDD (360) 753-2200, or (360) 753-1184.

Submit Written Comments to: Judy Wilson, Chairman, State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-5880, by October 13, 2000.

Date of Intended Adoption: November 17, 2000.

August 1, 2000
Judy Wilson
Council Chairman

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-101 Scope and general requirements.

101.1 Title: This Code shall be known as the Washington State Ventilation and Indoor Air Quality Code. It is herein referred to as "this Code".

101.2 Intent: The purpose of this Code is to provide minimum standards for the design and installation of mechanical ventilation systems, the selection of structural materials used within the conditioned space, and the construction of radon mitigation systems for new construction.

It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques. These provisions are structured to permit compliance with the intent of this Code by demonstration of performance through on site testing or through engineered design. This Code is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

101.3 Scope: This Code sets forth minimum requirements for ventilation in all occupancies, including the design of new construction.

101.3.1 Application to Existing Buildings

101.3.1.1 Additions to Existing Buildings: Additions to existing buildings or structures may be made without making the entire building comply, provided that the new addition shall conform to the provisions of this Code.

EXCEPTIONS

1. Additions with less than 500 square feet of conditioned floor area are exempt from the requirements in this code for Whole House Ventilation Systems, Section 302.2.2.

2. Additions or alterations to existing buildings which do not require the construction of foundations, crawlspaces, slabs, or basements shall not be required to meet the requirements for radon protection.

101.3.1.2 Alterations and Repairs: All alterations and repairs may be made to existing or moved buildings built or permitted prior to the enforcement of this Code without making the entire building comply with the provisions of this Code, provided the alterations or repairs comply with this Code.

EXCEPTION: Air handling/conditioning equipment, which is being replaced without alteration or repair of the associated air distribution system is exempt from the requirements of this Code.

101.3.1.3 Historic Buildings: Historic buildings are exempt from this Code only to the extent necessary to preserve those features essential to their historical appearance or function.

Option 1: No change

Option 2: If Option 2 to Sections 302.3.2 and 303.4.1.3 is approved, add a NEW SECTION 101.4

101.4 Operating Instructions: Installers shall provide the manufacturer's installation, operating instructions, and a whole house ventilation system operation description.

PROPOSED

AMENDATORY SECTION (Amending WSR 91-01-102, filed 12/18/90, effective 7/1/91)

WAC 51-13-301 (~~(Design criteria:))~~ Compliance with this chapter.

301.1 General: The criteria of this chapter establish the design conditions upon which the minimum ventilation systems are to be based for all occupancies. Group R occupancies four (4) stories and less as defined by the Washington State Building Code shall comply with either Section 302 or 303. Section 304 applies to all other occupancies.

301.2 Testing: At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this section. Flow testing may be performed using flow hoods measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.

AMENDATORY SECTION (Amending WSR 95-01-128, filed 12/21/94, effective 6/30/95)

WAC 51-13-302 (~~(Minimum ventilation criteria for all))~~ Mechanical ventilation criteria using performance or design methods for Group R occupancies four stories and less.

302.1 ((General: This section shall apply to all Group R occupancies four (4) stories and less as defined by the Washington State Building Code. Residential structures greater than four (4) stories in height shall comply with Section 304, for outdoor air supply requirements. For source specific ventilation requirements, see Section 302.2.1. Compliance with this section shall be demonstrated through engineering calculations or performance testing. Documentation of calculations shall be submitted to the building official where required. Performance testing shall be conducted in accordance with recognized test methods.

302.1.2 Testing: At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this section. Flow testing may be performed using flow hoods measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.) Applicability: Group R occupancies four (4) stories and less as defined by the Washington State Building Code shall comply with either this section or Section 303.

302.1.1 Compliance by Calculations or Testing: Compliance with this section shall be demonstrated through engineering calculation or performance testing. Documentation of calculations or performance test results shall be submitted to the building official. Performance testing shall be conducted in accordance with recognized test methods.

~~((302.2))~~ Minimum Ventilation Performance: Each dwelling unit or guest room shall be equipped with source

specific and whole house ventilation systems designed and installed to satisfy the ventilation requirements of this ((chapter)) section.

~~((EXCEPTION:))~~ All public corridors shall meet the ventilation requirements in section 1203.3 of the Uniform Building Code.

302.2 Source Specific Ventilation Requirements.

302.2.1 Source Specific Ventilation: Source specific exhaust ventilation (~~(shall be))~~ is required in each kitchen, bathroom, water closet, laundry room, indoor swimming pool, spa, room with an unvented decorative gas log or decorative gas fireplace, and other rooms where excess water vapor or cooking odor is produced.

The minimum source specific ventilation effective exhaust capacity shall be not less than levels specified in Table 3-1.

302.2.2 Source Specific Ventilation Controls: Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means. Source specific ventilation system controls shall be readily accessible.

302.2.3 Source Specific Ventilation Ducts: Source specific ventilation ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. Terminal elements shall have at least the equivalent net free area of the duct work. Terminal elements for exhaust fan duct systems shall be screened or otherwise protected from entry by leaves or other material.

302.3 Requirements for Whole House Ventilation Systems.

~~((302.2.2))~~ 302.3.1 Whole House Ventilation Systems: Each dwelling unit shall be equipped with a whole house ventilation system which shall be capable of providing ((at least 0.35 air changes per hour, but not less than fifteen cubic feet per minute per bedroom plus an additional fifteen cubic feet per minute. Whole house ventilation systems shall be designed to limit ventilation to a level no greater than 0.5 air changes per hour)) the volume of outdoor air specified in Table 3-2 under normal ((operation)) operating conditions. ((Whole house ventilation systems shall supply outdoor air to all habitable rooms through individual outdoor air inlets; forced air heating system, ducting or equivalent means. Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements:))

EXCEPTION: ((For dwelling units of no more than 1,400 square feet, the maximum ventilation rate shall be 0.65 air changes per hour.) Maximum flow rates listed in Table 3-2 do not apply to heat recovery ventilation systems.

OPTION 1

~~((302.3))~~ 302.3.2 Whole House Ventilation System Controls: All ventilation system controls shall be readily accessible. Controls for whole house ventilation systems shall be

capable of operating the ventilation system without energizing other energy-consuming appliances.

~~((EXCEPTION: Continuously operated whole house ventilation systems switch shall not be readily accessible by the occupant.~~

~~302.3.1 Source Specific Ventilation Systems: Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.~~

~~302.3.2 Intermittently Operated Whole House Ventilation Systems: The)) Intermittently operated whole house ventilation systems shall be constructed to have the capability for continuous operation, and shall have a manual control and an automatic control, such as a clock timer. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for ((a minimum of)) at least eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation."~~

~~((302.4)) 302.3.3 Fan Noise: Whole house fans located four feet or less from the interior grille shall have a sone rating of 1.5 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 (October 1995). Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.~~

EXCEPTION: Whole house ventilation systems which are integrated with forced-air heating systems or heat-recovery ventilation systems are exempt from the sone rating requirements of this section.

~~((302.5)) 302.3.4 Whole House Ventilation Ducts: All ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. All supply ducts in the conditioned space shall be insulated to a minimum of R-4.~~

302.3.5 Outdoor Air.

~~((302.6)) 302.3.5.1 Outdoor Air Supply: A mechanical system shall supply outdoor air as required in Section ((302.2.2)) 302.3.1. The mechanical system may consist of exhaust fans, supply fans, or both.~~

~~((302.6.1)) 302.3.5.2 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by ((insects;)) leaves((;)) or other material. Outdoor air inlets shall be located so as not to take air from the following areas:~~

- Close to ten feet from an appliance vent outlet, unless such vent outlet is three feet above the outdoor air inlet.
- Where it will pick up objectionable odors, fumes, or flammable vapors.
- A hazardous or unsanitary location.
- A room or space having any fuel-burning appliances therein.

e) Closer than ten feet from a vent opening of a plumbing drainage system unless the vent opening is at least three feet above the air inlet.

f) Attic, crawl spaces, garages.

302.3.5.3 Outdoor Air Distribution: Outdoor air shall be distributed to each habitable room by means such as individual inlets, separate duct systems, or a forced-air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.

302.3.5.4 Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements.

~~((302.6.2)) 302.3.5.5 Individual Room Outdoor Air Inlets: Where provided, individual room outdoor air inlets shall:~~

- have controllable and secure openings;
- be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed((;));
- ~~e) provide not less than four square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard are deemed equivalent to four square inches net free area)).~~

~~((302.6.3)) 302.3.5.6 Ventilation Integrated with Forced-Air Systems: Where outdoor air is provided by a forced-air system, the outdoor air connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger.~~

~~((302.6.4 Distribution: Outdoor air shall be distributed to each habitable room by individual inlets, separate duct systems, or a forced-air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.))~~

AMENDATORY SECTION (Amending WSR 95-01-128, filed 12/21/94, effective 6/30/95)

WAC 51-13-302 ((Minimum ventilation criteria for all)) **Mechanical ventilation criteria using performance or design methods for Group R occupancies four stories and less.**

302.1 ((General: This section shall apply to all Group R occupancies four (4) stories and less as defined by the Washington State Building Code. Residential structures greater

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than four (4) stories in height shall comply with Section 304, for outdoor air supply requirements. For source specific ventilation requirements, see Section 302.2.1. Compliance with this section shall be demonstrated through engineering calculations or performance testing. Documentation of calculations shall be submitted to the building official where required. Performance testing shall be conducted in accordance with recognized test methods.

302.1.2 Testing: At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this section. Flow testing may be performed using flow hoods measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official. Applicability: Group R occupancies four (4) stories and less as defined by the Washington State Building Code shall comply with either this section or Section 303.

302.1.1 Compliance by Calculations or Testing: Compliance with this section shall be demonstrated through engineering calculation or performance testing. Documentation of calculations or performance test results shall be submitted to the building official. Performance testing shall be conducted in accordance with recognized test methods.

~~((302.2))~~ **Minimum Ventilation Performance:** Each dwelling unit or guest room shall be equipped with source specific and whole house ventilation systems designed and installed to satisfy the ventilation requirements of this ~~((chapter))~~ section.

~~((EXCEPTION:))~~ All public corridors shall meet the ventilation requirements in section 1203.3 of the Uniform Building Code.

302.2 Source Specific Ventilation Requirements.

302.2.1 Source Specific Ventilation: Source specific exhaust ventilation ~~((shall be))~~ is required in each kitchen, bathroom, water closet, laundry room, indoor swimming pool, spa, room with an unvented decorative gas log or decorative gas fireplace, and other rooms where excess water vapor or cooking odor is produced.

The minimum source specific ventilation effective exhaust capacity shall be not less than levels specified in Table 3-1.

302.2.2 Source Specific Ventilation Controls: Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means. Source specific ventilation system controls shall be readily accessible.

302.2.3 Source Specific Ventilation Ducts: Source specific ventilation ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. Terminal elements shall have at least the equivalent net free area of the duct work. Terminal elements

for exhaust fan duct systems shall be screened or otherwise protected from entry by leaves or other material.

302.3 Requirements for Whole House Ventilation Systems.

~~((302.2.2))~~ **302.3.1 Whole House Ventilation Systems:** Each dwelling unit shall be equipped with a whole house ventilation system which shall be capable of providing ~~((at least 0.35 air changes per hour, but not less than fifteen cubic feet per minute per bedroom plus an additional fifteen cubic feet per minute. Whole house ventilation systems shall be designed to limit ventilation to a level no greater than 0.5 air changes per hour))~~ the volume of outdoor air specified in Table 3-2 under normal ((operation)) operating conditions. ((Whole house ventilation systems shall supply outdoor air to all habitable rooms through individual outdoor air inlets, forced-air heating system, ducting or equivalent means. Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements.))

EXCEPTION: ~~((For dwelling units of no more than 1,400 square feet, the maximum ventilation rate shall be 0.65 air changes per hour.))~~ Maximum flow rates listed in Table 3-2 do not apply to heat recovery ventilation systems.

OPTION 2

~~((302.3))~~ **302.3.2 Whole House Ventilation System Controls:** All ventilation system controls shall be readily accessible. Controls for whole house ventilation systems shall be capable of operating the ventilation system without energizing other energy-consuming appliances.

~~((EXCEPTION:))~~ Continuously operated whole house ventilation systems shall not be readily accessible by the occupant.

~~302.3.1 Source Specific Ventilation Systems:~~ Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

~~302.3.2 Intermittently Operated Whole House Ventilation Systems:~~ The)) Intermittently operated whole house ventilation systems shall be constructed to have the capability for continuous operation, and shall have a manual control and an automatic control, such as a clock timer. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for ((a minimum of)) at least eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

~~((302.4))~~ **302.3.3 Fan Noise:** Whole house fans located four feet or less from the interior grille shall have a sone rating of 1.5 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 (October 1995). Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

EXCEPTION: Whole house ventilation systems which are integrated with forced-air heating systems or heat-recovery ventilation systems are exempt from the sone rating requirements of this section.

~~((302.5))~~ 302.3.4 Whole House Ventilation Ducts: All ducts shall terminate outside the building. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

302.3.5 Outdoor Air.

~~((302.6))~~ 302.3.5.1 Outdoor Air Supply: A mechanical system shall supply outdoor air as required in Section ((302.2.2)) 302.3.1. The mechanical system may consist of exhaust fans, supply fans, or both.

~~((302.6.1))~~ 302.3.5.2 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by ~~((insects,))~~ leaves~~((,))~~ or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- a) Closer than ten feet from an appliance vent outlet, unless such vent outlet is three feet above the outdoor air inlet.
- b) Where it will pick up objectionable odors, fumes, or flammable vapors.
- c) A hazardous or unsanitary location.
- d) A room or space having any fuel-burning appliances therein.
- e) Closer than ten feet from a vent opening of a plumbing drainage system unless the vent opening is at least three feet above the air inlet.
- f) Attic, crawl spaces, garages.

302.3.5.3 Outdoor Air Distribution: Outdoor air shall be distributed to each habitable room by means such as individual inlets, separate duct systems, or a forced-air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.

302.3.5.4 Doors and operable lites in windows are deemed not to meet the outdoor air supply intake requirements.

~~((302.6.2))~~ 302.3.5.5 Individual Room Outdoor Air Inlets: Where provided, individual room outdoor air inlets shall:

- a) have controllable and secure openings;
- b) be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed~~((;~~
- e) ~~provide not less than four square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard are deemed equivalent to four square inches net free area)).~~

~~((302.6.3))~~ 302.3.5.6 Ventilation Integrated with Forced-Air Systems: Where outdoor air is provided by a forced-air system, the outdoor air connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger.

~~((302.6.4 Distribution: Outdoor air shall be distributed to each habitable room by individual inlets, separate duct systems, or a forced air system. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.))~~

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-303 Mechanical ventilation criteria ~~((and minimum ventilation prescriptive requirements))~~ using prescriptive methods for ~~((all))~~ Group R occupancies four stories and less.

~~303.1 ((General:))~~ Applicability: Group R Occupancies 4 stories or less shall comply with this section or Section 302. This section establishes minimum prescriptive design requirements for intermittently operated systems. Continuously operated systems shall comply with section 302. ~~((System characteristics not addressed in the following sections shall comply with section 302.))~~ A system which meets the requirements of this section shall be deemed to satisfy the requirements of this chapter.

~~((303.1.1 Source Specific: Exhaust fans providing source specific ventilation shall have a minimum fan flow rating not less than fifty cfm at 0.25 inches water gauge for bathrooms, laundries, or similar rooms and one hundred cfm at 0.25 inches water gauge for kitchens. Manufacturers' fan flow ratings shall be determined as per HVI 916 (July 1989) or AMCA 210.~~

EXCEPTION: ~~Where a range hood or down draft exhaust fan is used to satisfy the source specific ventilation requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 CFM at 0.10 inches water gauge.~~

~~303.1.2 Whole House: Whole house ventilation systems may consist of whole house exhaust, integration with forced-air systems or dedicated heat recovery ventilation systems. Whole house ventilation systems shall provide ventilation capacity as specified in Table 3-2 and meet the following requirements:~~

- a) ~~Exhaust fans providing whole house ventilation shall have a flow rating at 0.25 inches water gauge as specified in Table 3-2. Manufacturer's fan flow ratings shall be determined as per HVI 916 (July 1989) or AMCA 210. Table 3-2 shall not be used for dwelling units with more than five bedrooms.~~

b) ~~Integrated forced air ventilation systems shall have an outdoor air inlet duct connecting a terminal element on the outside of the building to the return air plenum of the forced air system, at a point within 4 feet upstream of the air handler, and be equipped with one of the following:~~

1) ~~A motorized damper connected to the automatic ventilation control as specified in Section 302.3.2; or~~

2) ~~A damper installed and set to meet measured flow rates as specified in Table 3-2, by either field testing or following manufacturer's installation instructions based on site conditions; or~~

3) ~~An automatic flow regulated device with field measured or field calculated minimum negative pressure differential of 0.07 inches water gauge at the point where the outside air duct is connected to the return air plenum.~~

e) ~~Heat recovery ventilation systems: All duct work in heat recovery ventilation systems shall be not less than six inch diameter. Balancing dampers shall be installed on the inlet and exhaust side. Flow measurement grids shall be installed on the supply and return. System minimum flow rating shall be not less than that specified in Table 3-2. Maximum flow rates in Table 3-2 do not apply to heat recovery ventilation systems.)~~

~~303.2 ((Source specific and whole house ventilation ducts: Exhaust ducts shall meet all requirements of section 302.5. Duct diameter, length, and number of elbows for exhaust fans shall be as specified in Table 3-3. Terminal elements for exhaust fan duct systems shall have at least the equivalent net free area of the duct work. Duct diameter, length, and number of elbows for integrated forced air systems shall be as specified in Table 3-5. Terminal elements for integrated systems shall be the same size as the connecting ductwork or 8 inches in diameter whichever is greater.)) Minimum Ventilation Performance: Each dwelling unit or guest room shall be equipped with source specific and whole house ventilation systems designed and installed to satisfy the ventilation requirements of this section. All public corridors shall meet the ventilation requirements in Section 1203.3 of the Uniform Building Code.~~

303.3 Source Specific Exhaust Ventilation Requirements.

303.3.1 Source Specific Ventilation: Source specific exhaust ventilation is required in each kitchen, bathroom, water closet, laundry room, indoor swimming pool, spa, room with an unvented decorative gas log or decorative gas fireplace and other rooms where excess water vapor or cooking odor is produced. The minimum source specific ventilation effective exhaust capacity shall be not less than levels specified in Table 3-1.

303.3.2 Source Specific Exhaust Fans: Exhaust fans providing source specific ventilation shall have a minimum fan flow rating not less than 50 cfm at 0.25 inches water gauge for bathrooms, laundries, or similar rooms and 100 cfm at 0.25 inches water gauge for kitchens. Manufacturers'

fan flow ratings shall be determined as per HVI 916 (April 1995) or AMCA 210.

EXCEPTION: Where a range hood or down draft exhaust fan is used to satisfy the source specific ventilation requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 inches water gauge.

303.3.3 Source Specific Ventilation Controls: Source specific ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means. Source specific ventilation system controls shall be readily accessible.

303.3.4 Source Specific Ventilation Ducts: Source specific ventilation ducts shall terminate outside the building. Exhaust ducts shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4. Terminal elements shall have at least the equivalent net free area of the duct work. Terminal elements for exhaust fan duct systems shall be screened or otherwise protected from entry by leaves or other material.

303.4 Prescriptive Whole House Ventilation Systems: Whole house ventilation shall be provided by a system that meets the requirements of either Section 303.3.1, 303.3.2, 303.3.3, or 303.3.4. A system which meets all of the requirements of one of these sections shall be deemed to satisfy the requirements for a whole house ventilation system.

303.4.1 Intermittent Whole House Ventilation Using Exhaust Fans: This section establishes minimum prescriptive requirements for intermittent whole house ventilation systems using exhaust fans. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole house ventilation system.

303.4.1.1 Whole House Ventilation Fans: Exhaust fans providing whole house ventilation shall have a flow rating at 0.25 inches water gauge as specified in Table 3-2. Manufacturers' fan flow ratings shall be determined according to HVI 916 (April 1995) or AMCA 210.

303.4.1.2 Fan Noise: Whole house fans located four feet or less from the interior grille shall have a sone rating of 1.5 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 (October 1995). Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

OPTION 1:

303.4.1.3 Fan Controls: The whole house ventilation fan shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation fan without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for at least

eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation."

OPTION 2:

303.4.1.3 Fan Controls: The whole house ventilation fan shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation fan without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house fan for at least eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

303.4.1.4 Exhaust Ducts: All exhaust ducts shall terminate outside the building. Exhaust ducts shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

303.4.1.5 Outdoor Air Inlets: Outdoor air shall be distributed to each habitable room by individual outdoor air inlets. Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means where permitted by the Uniform Building Code. Doors shall be undercut to a minimum of one-half inch above the surface of the finish floor covering.

Individual room outdoor air inlets shall:

- a. Have controllable and secure openings;
- b. Be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed;
- c. Provide not less than four square inches of net free area of opening for each habitable space. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilating Institute Air Flow Test Standard (HVI 901 (November 1996)) are deemed equivalent to four square inches net free area.

Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- a. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
- b. Where it will pick up objectionable odors, fumes or flammable vapors.
- c. A hazardous or unsanitary location.
- d. A room or space having any fuel-burning appliances therein.
- e. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
- f. Attic, crawl spaces, or garages.

EXCEPTION: Exhaust only ventilation systems do not require outdoor air inlets if the home has a ducted forced air heating system that communicates with all habitable rooms and the interior doors are undercut to a mini-

um of one-half inch above the surface of the finish floor covering.

303.4.2 Prescriptive Requirements for Intermittent Whole House Ventilation Integrated with a Forced-Air System: This section establishes minimum prescriptive requirements for intermittent whole house ventilation systems integrated with forced-air ventilation systems. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole house ventilation system.

303.4.2.1 Integrated Whole House Ventilation Systems: Integrated Whole House Ventilation Systems shall provide outdoor air at the rates specified in Table 3-2. Integrated Forced-Air Ventilation Systems shall distribute outdoor air to each habitable room through the forced-air system ducts. Integrated Forced-Air Ventilation Systems shall have an outdoor air inlet duct connecting a terminal element on the outside of the building to the return air plenum of the forced-air system, at a point within four (4) feet upstream of the air handler. The outdoor air inlet duct connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The outdoor air inlet duct shall be prescriptively sized in accordance with Table 3-5. The system will be equipped with one of the following:

1. A motorized damper connected to the automatic ventilation control as specified in Section 303.3.2.2, field measured and set to meet minimum flow rates as specified in Table 3-2; or
2. A damper installed, field measured and set to meet minimum flow rates as specified in Table 3-2; or
3. An automatic flow regulated device with field measured minimum negative pressure of 0.07 inches water gauge at the point where the outside air duct is connected to the return air plenum.

OPTION 1:

303.4.2.2 Ventilation Controls: The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the forced air system blower and if applicable the automatic damper. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for at least eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation."

OPTION 2:

303.4.2.2 Ventilation Controls: The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the forced air system blower and if applicable the automatic damper. The 24-hour timer shall be readily accessible. The 24 hour timer shall be

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capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for at least eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

303.4.2.3 Ventilation Duct Insulation: All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

303.4.2.4 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- a. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
- b. Where it will pick up objectionable odors, fumes or flammable vapors.
- c. A hazardous or unsanitary location.
- d. A room or space having any fuel-burning appliances therein.
- e. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
- f. Attic, crawl spaces, or garages.

303.4.3 Prescriptive Requirements for Intermittent Whole House Ventilation Using a Supply Fan: This section establishes minimum prescriptive requirements for intermittent whole house ventilation systems using an inline supply fan. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole house ventilation system.

303.4.3.1 Outdoor Air: Supply Fan Ventilation Systems shall distribute outdoor air to each habitable room through the forced-air system ducts or through dedicated ducts to each habitable room. Supply fans shall have the capacity to provide the amount of outdoor air specified in Table 3-2 at 0.4 inches water gauge as per HVI 916 (April 1995). The outdoor air must be filtered before it is delivered to habitable rooms. The filter may be located at the intake device, inline with the fan, or, in the case of a connection to the return plenum of the airhandler, using the furnace filter. An outdoor air inlet shall be connected to either the supply or return air stream.

303.4.3.2 Ducts: An outdoor air inlet duct connection to the supply air stream shall be located downstream of the forced-air system blower. An outdoor air inlet duct connection to the return air stream shall be located at least four feet upstream of the forced-air system blower and its filter. Neither type of duct shall be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The outdoor air inlet duct shall be prescriptively sized in accordance with Table 3-6. The terminal element on the outside of the building shall be sized two inches in diameter larger than the outdoor air inlet duct.

303.4.3.3 Dampers: The system shall be equipped with a back-draft damper and one of the following:

1. A calibrated manual volume damper installed and set to meet the measured flow rates specified in Table 3-2 by field testing with a pressure gauge and/or following manufacturer's installation instructions, or

2. A manual volume damper installed and set to meet the measured flow rates specified in Table 3-2 by field testing with a flow hood or a flow measuring station; or

3. An automatic flow-regulating device sized to the specified flow rates in Table 3-2 which provides constant flow over a pressure range of 0.2 to 0.6 inches water gauge.

OPTION 1:

303.4.3.4 Ventilation Controls: The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the inline supply fan. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for a minimum of eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation."

OPTION 2:

303.4.3.4 Ventilation Controls: The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the inline supply fan. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for a minimum of eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

303.4.3.5 Ventilation Duct Insulation: All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

303.4.3.6 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- a. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
- b. Where it will pick up objectionable odors, fumes or flammable vapors.
- c. A hazardous or unsanitary location.
- d. A room or space having any fuel-burning appliances therein.
- e. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
- f. Attic, crawl spaces, or garages.

303.4.4 Prescriptive Requirements for Intermittent Whole House Ventilation Using a Heat Recovery Ventilation System: This section establishes minimum prescriptive requirements for intermittent whole house ventilation using a heat recovery ventilation system.

303.4.4.1 Heat Recovery Ventilation Systems: All duct work in heat recovery ventilation systems shall be not less than six inch diameter. Balancing dampers shall be installed on the inlet and exhaust side. Flow measurement grids shall be installed on the supply and return. System minimum flow rating shall be not less than that specified in Table 3-2. Maximum flow rates in Table 3-2 do not apply to heat recovery ventilation systems.

OPTION 1:

303.4.4.2 Ventilation Controls: The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the inline supply fan. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for a minimum of eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation."

OPTION 2:

303.4.4.2 Ventilation Controls: The whole house ventilation system shall be controlled by a 24 hour clock timer with the capability of continuous operation, manual and automatic control. This control will control the inline supply fan. The 24-hour timer shall be readily accessible. The 24 hour timer shall be capable of operating the whole house ventilation system without energizing other energy-consuming appliances. At the time of final inspection, the automatic control timer shall be set to operate the whole house system for a minimum of eight hours a day. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

303.4.4.3 Ventilation Duct Insulation: All supply ducts in the conditioned space installed upstream of the heat exchanger shall be insulated to a minimum of R-4.

303.4.4.4 Outdoor Air Inlets: Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

- a. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
- b. Where it will pick up objectionable odors, fumes or flammable vapors.
- c. A hazardous or unsanitary location.
- d. A room or space having any fuel-burning appliances therein.

e. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.

f. Attic, crawl spaces, or garages.

AMENDATORY SECTION (Amending WSR 95-01-128, filed 12/21/94, effective 6/30/95)

WAC 51-13-304 Mechanical ventilation criteria and minimum ventilation performance for all other occupancies not covered in sections 302 and 303.

304.1 Ventilation: The minimum requirements for operable area to provide natural ventilation are specified in the Uniform Building Code (UBC) as adopted by the state of Washington.

Where a mechanical ventilation system is installed, the mechanical ventilation system shall be capable of supplying ventilation air to each zone with the minimum outdoor air quantities specified in Table 3-4.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 3-4 estimated maximum occupancy values.

The outdoor air shall be ducted in a fully enclosed path directly to every air handling unit in each zone not provided with sufficient operable area for natural ventilation.

EXCEPTION: Ducts may terminate within 12 inches of the intake to an HVAC unit provided they are physically fastened so that the outside air duct is directed into the unit intake.

In all parking garages, other than open parking garages as defined in UBC 311.9, used for storing or handling of automobiles operating under their own power and on all loading platforms in bus terminals, ventilation shall be provided at 1.5 cfm per square foot of gross floor area. The building official may approve an alternate ventilation system designed to exhaust a minimum fourteen thousand cfm for each operating vehicle. Such system shall be based on the anticipated instantaneous movement rate of vehicles but not less than 2.5 percent (or one vehicle) of the garage capacity. Automatic carbon monoxide sensing systems may be submitted for approval.

In all buildings used for the repair of automobiles, each repair stall shall be equipped with an exhaust extension duct, extending to the outside of the building, which if over ten feet in length, shall mechanically exhaust three hundred cfm. Connecting offices and waiting rooms shall be supplied with conditioned air under positive pressure.

Combustion air requirements shall conform to the requirements of Chapter 7 of the UMC.

Mechanical refrigerating equipment and rooms storing refrigerants shall conform to the requirements of Chapter 11 of the UMC.

PROPOSED

304.2 Alternate Systems: Alternate systems designed in accordance with ASHRAE Standard 62.1.1999 shall be permitted.

TABLE 3-1
Minimum Source Specific Ventilation Capacity Requirements

	Bathrooms	Kitchens
Intermittently operating	50 cfm	100 cfm
Continuous operation	20 cfm	25 cfm

(TABLE 3-2)
Whole House Ventilation Flow Requirements¹

Bedrooms	CFM	
	Minimum	Maximum
2 or less	50	75
3	80	120
4	100	150
5	120	180

1. This table shall not be used for dwelling units containing more than 5 bedrooms.)

TABLE 3-2
Ventilation Rates For All Group R occupancies four (4) stories and less*
Minimum and Maximum Ventilation Rates: Cubic Feet Per Minute (CFM)

Floor Area, ft ²	Bedrooms													
	2 or less		3		4		5		6		7		8	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
<500	50	75	65	98	80	120	95	143	110	165	125	188	140	210
501-1000	55	83	70	105	85	128	100	150	115	173	130	195	145	218
1001-1500	60	90	75	113	90	135	105	158	120	180	135	203	150	225
1501-2000	65	98	80	120	95	143	110	165	125	188	140	210	155	233
2001-2500	70	105	85	128	100	150	115	173	130	195	145	218	160	240
2501-3000	75	113	90	135	105	158	120	180	135	203	150	225	165	248
3001-3500	80	120	95	143	110	165	125	188	140	210	155	233	170	255
3501-4000	85	128	100	150	115	173	130	195	145	218	160	240	175	263
4001-5000	95	143	110	165	125	188	140	210	155	233	170	255	185	278
5001-6000	105	158	120	180	135	203	150	225	165	248	180	270	195	293
6001-7000	115	173	130	195	145	218	160	240	175	263	190	285	205	308
7001-8000	125	188	140	210	155	233	170	255	185	278	200	300	215	323
8001-9000	135	203	150	225	165	248	180	270	195	293	210	315	225	338
>9000	145	218	160	240	175	263	190	285	205	308	220	330	235	353

*For residences that exceed 8 bedrooms, increase the minimum requirement listed for 8 bedrooms by an additional 15 CFM per bedroom. The maximum CFM is equal to 1.5 times the minimum.

TABLE 3-3
Prescriptive Exhaust Duct Sizing

Fan Tested CFM @ 0.25 W.G.	Minimum Flex Diameter	Maximum Length Feet	Minimum Smooth Diameter	Maximum Length Feet	Maximum Elbows ¹
50	4 inch	25	4 inch	70	3
50	5 inch	90	5 inch	100	3
50	6 inch	No Limit	6 inch	No Limit	3
80	4 inch ²	NA	4 inch	20	3
80	5 inch	15	5 inch	100	3
80	6 inch	90	6 inch	No Limit	3
100	5 inch ²	NA	5 inch	50	3
100	6 inch	45	6 inch	No Limit	3
125	6 inch	15	6 inch	No Limit	3
125	7 inch	70	7 inch	No Limit	3

- For each additional elbow subtract 10 feet from length.
- Flex ducts of this diameter are not permitted with fans of this size.

TABLE 3-4

OUTDOOR AIR REQUIREMENTS FOR VENTILATION¹
OCCUPANCIES NOT SUBJECT TO SECTION 302

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Dry Cleaners, Laundries ³		cfm/person
Commercial laundry	10	25
Commercial dry cleaner	30	30
Storage, pick up	30	35
Coin-operated laundries	20	15
Coin-operated dry cleaner	20	15

Dwelling Units In Buildings Greater Than Four Stories or Attached to I-Occupancy Facilities

Bedrooms & living areas²⁴ 15

PROPOSED

<u>Application</u>	<u>Estimated Maximum² Occupancy P/1000 ft² or 100 m²</u>	<u>Outdoor Air Requirements cfm/person</u>	<u>Application</u>	<u>Estimated Maximum² Occupancy P/1000 ft² or 100 m²</u>	<u>Outdoor Air Requirements cfm/person</u>
<u>Food and Beverage Service</u>			<u>Hardware, drugs, fabric</u>	8	15
Dining rooms	70	20	Supermarkets	8	15
Cafeteria, fast food	100	20	Pet shops		1.00 cfm/ft.sq.
Bars, cocktail lounges ⁴	100	30	<u>Sports and Amusement¹⁴</u>		
Kitchens (cooking) ²³	20	15	Spectator areas	150	15
<u>Garages, Repair, Service Stations</u>			Game rooms	70	25
Enclosed parking garage ⁵		1.50 cfm/ft.sq.	Ice arenas (playing areas)		0.50 cfm/ft.sq.
Auto repair rooms		1.50 cfm/ft.sq.	Swimming Pools (pool and deck area) ¹⁵		0.50 cfm/ft.sq.
<u>Hotels, Motels, Resorts, Congregate Residences with More Than Four Stories⁶</u>			Playing floor (gymnasium)	30	20
Bedrooms		30 cfm/room	Ballrooms and discos	100	25
Living Rooms		30 cfm/room	Bowling alleys (seating areas)	70	25
Bath ⁷		35 cfm/room	Theaters ¹⁶		
Lobbies	30	15	Ticket booths	60	20
Conference rooms	50	20	Lobbies	150	20
Assembly rooms	120	15	Auditorium	150	20
Gambling casinos ⁴	120	30	Stages, studios	70	15
<u>Offices</u>			<u>Transportation¹⁷</u>		
Office space ²	7	20	Waiting rooms	100	15
Reception area	60	15	Platforms	100	15
Telecommunication centers and data entry areas	60	20	Vehicles	150	15
Conference rooms	50	20	<u>Workrooms</u>		
<u>Public Spaces</u>			Meat processing ¹⁸	10	15
Corridors and utilities		0.05 cfm/ft.sq.	Photo studios	10	15
Public restroom, cfm/wc or urinal ¹⁰		50	Darkrooms	10	0.50 cfm/ft.sq.
Lockers and dressing rooms		0.05 cfm/ft.sq.	Pharmacy	20	15
Smoking lounge ¹¹	70	60	Bank vaults	5	15
Elevators ¹²		1.0 cfm/ft.sq.	Duplicating, printing ¹⁹		0.50 cfm/ft.sq.
<u>Retail Stores, Sales Floors, and Show Room Floors</u>			INSTITUTIONAL FACILITIES		
Basement and street	30	0.30 cfm/ft.sq.	<u>Education</u>		
Upper floors	20	0.2 cfm/ft.sq.	Classroom	50	15
Storage rooms	15	0.15 cfm/ft.sq.	Laboratories ²⁰	30	20
Dressing rooms		0.20 cfm/ft.sq.	Training shop	30	20
Malls and arcades	20	0.20 cfm/ft.sq.	Music rooms	50	15
Shipping and receiving	10	0.15 cfm/ft.sq.	Libraries	20	15
Warehouses	5	0.05 cfm/ft.sq.	Locker rooms		0.50 cfm/ft.sq.
Smoking lounge ¹¹	70	60	Corridors		0.10 cfm/ft.sq.
<u>Speciality Shops</u>			Auditoriums	150	15
Barber	25	15	Smoking lounges ¹¹	70	60
Beauty	25	25	<u>Hospitals, Nursing and Convalescent Homes</u>		
Reducing salons	20	15	Patient rooms ²¹	10	25
Florists ¹³	8	15	Medical procedure	20	15
Clothiers, furniture		0.30 cfm/ft.sq.	Operating rooms	20	30
			Recovery and ICU	20	15
			Autopsy rooms ²²		0.50 cfm/ft.sq.
			Physical Therapy	20	15

PROPOSED

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Correctional Facilities		
Cells	20	20
Dining halls	100	15
Guard station	40	15

TABLE 3-4
Outdoor air requirements for ventilation¹
Occupancies not subject to sections 302 and 303

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Dry Cleaners, Laundries³		
Commercial laundry	10	25
Commercial dry cleaner	30	30
Storage, pick up	30	35
Coin-operated laundries	20	15
Coin-operated dry cleaner	20	15
Dwelling Units In Buildings Greater Than Four Stories or Attached to I-Occupancy Facilities		
Bedroom & living area ²⁴		15
Food and Beverage Service		
Dining rooms	70	20
Cafeteria, fast food	100	20
Bars, cocktail lounges ⁴	100	30
Kitchens (cooking) ²³	20	15
Garages, Repair, Service Stations		
Enclosed parking garage ⁵		1.50 cfm/ft.sq.
Auto repair rooms		1.50 cfm/ft.sq.
Hotels, Motels, Resorts, Congregate Residences with More Than Four Stories⁶		
Bedrooms		30 cfm/room
Living Rooms		30 cfm/room
Bath ⁷		35 cfm/room
Lobbies	30	15
Conference rooms	50	20
Assembly rooms	120	15
Gambling casinos ⁴	120	30
Offices		
Office space ⁹	7	20
Reception area	60	15
Telecommunication centers and data entry areas	60	20
Conference rooms	50	20
Public Spaces		
Corridors and utilities		0.05 cfm/ft.sq.
Public restroom, cfm/wc or urinal ¹⁰		50
Lockers and dressing rooms		0.50 cfm/ft.sq.
Smoking lounge ¹¹	70	60
Elevators ¹²		1.0 cfm/ft.sq.
Retail Stores, Sales Floors, and Show Room Floors		
Basement and street	30	0.30 cfm/ft.sq.
Upper floors	20	0.20 cfm/ft.sq.
Storage rooms	15	0.15 cfm/ft.sq.
Dressing rooms		0.20 cfm/ft.sq.
Malls and arcades	20	0.20 cfm/ft.sq.
Shipping and receiving	10	0.15 cfm/ft.sq.
Smoking lounge ¹¹	70	60
Warehouses	5	0.05 cfm/ft.sq.

PROPOSED

1. Derived from ASHRAE Standard 62-1989.
2. Net occupiable space.
3. Dry-cleaning process may require more air.
4. Supplementary smoke-removal equipment may be required.
5. Distribution among people must consider worker location and concentration of running engine; stands where engines are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation.
6. Independent of room size.
7. Installed capacity for intermittent use.
8. See also food and beverage service, merchandising, barber and beauty shops, garages.
9. Some office equipment may require local exhaust.
10. Mechanical exhaust with no recirculation is recommended.
11. Normally supplied by transfer air, local mechanical exhaust; with no recirculation recommended.
12. Normally supplied by transfer air.
13. Ventilation to optimize plant growth may dictate requirements.
14. When internal combustion engines are operated for maintenance of playing surfaces, increased ventilation rates may be required.
15. Higher values may be required for humidity control.
16. Special ventilation will be needed to eliminate special stage effects.
17. Ventilation within vehicles may require special considerations.
18. Spaces maintained at low temperatures (-10°F. to+ 50°F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirements.
19. Installed equipment must incorporate positive exhaust and control of undesirable contaminants.
20. Special contamination control systems may be required for processes or functions including laboratory animal occupancy.
21. Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency. Procedures generating contaminants may require higher rates.
22. Air shall not be recirculated into other spaces.
23. Makeup air for hood exhaust may require more ventilating air.
24. Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom, one person. Where higher occupant loadings are known, they shall be used.]

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Specialty Shops		
Barber	25	15
Beauty	25	25
Reducing salons	20	15
Florists ¹³	8	15
Clothiers, furniture		0.30 cfm/ft.sq.
Hardware, drugs, fabric	8	15
Supermarkets	8	15
Pet shops		1.00 cfm/ft.sq.
Sports and Amusement¹⁴		
Spectator areas	150	15
Game rooms	70	25
Ice arenas (playing areas)		0.50 cfm/ft.sq.
Swimming Pools (pool and deck area) ¹⁵		0.50 cfm/ft.sq.
Playing floor (gymnasium)	30	20
Ballrooms and discos	100	25
Bowling alleys (seating areas)	70	25
Theaters¹⁶		
Ticket booths	60	20
Lobbies	150	20
Auditorium	150	15
Stages, studios	70	15
Transportation¹⁷		
Waiting rooms	100	15
Platforms	100	15
Vehicles	150	15
Workrooms		
Meat processing ¹⁸	10	15
Photo studios	10	15
Darkrooms	10	0.50 cfm/ft.sq.
Pharmacy	20	15
Bank vaults	5	15
Duplicating, printing ¹⁹		0.50 cfm/ft.sq.
INSTITUTIONAL FACILITIES		
Education		
Classroom	50	15
Laboratories ²⁰	30	20
Training shop	30	20
Music rooms	50	15
Libraries	20	15
Locker rooms		0.50 cfm/ft.sq.
Corridors		0.10 cfm/ft.sq.
Auditoriums	150	15
Smoking lounges ¹¹	70	60
Hospitals, Nursing and Convalescent Homes		
Patient rooms ²¹	10	25
Medical procedure	20	15
Operating rooms	20	30
Recovery and ICU	20	15
Autopsy rooms ²²		0.50 cfm/ft.sq.
Physical Therapy	20	15

Application	Estimated Maximum ² Occupancy P/1000 ft ² or 100 m ²	Outdoor Air Requirements cfm/person
Correctional Facilities		
Cells	20	20
Dining halls	100	15
Guard station	40	15

- Derived from ASHRAE Standard 62-1989.
- Net occupiable space.
- Dry-cleaning process may require more air.
- Supplementary smoke-removal equipment may be required.
- Distribution among people must consider worker location and concentration of running engine; stands where engines are run must incorporate systems for positive engine exhaust withdrawal. Contaminant sensors may be used to control ventilation.
- Independent of room size.
- Installed capacity for intermittent use.
- See also food and beverage service, merchandising, barber and beauty shops, garages.
- Some office equipment may require local exhaust.
- Mechanical exhaust with no recirculation is recommended.
- Normally supplied by transfer air, local mechanical exhaust; with no recirculation recommended.
- Normally supplied by transfer air.
- Ventilation to optimize plant growth may dictate requirements.
- When internal combustion engines are operated for maintenance of playing surfaces, increased ventilation rates may be required.
- Higher values may be required for humidity control.
- Special ventilation will be needed to eliminate special stage effects.
- Ventilation within vehicles may require special considerations.
- Spaces maintained at low temperatures (-10°F. to+ 50°F.) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirements.
- Installed equipment must incorporate positive exhaust and control of undesirable contaminants.
- Special contamination control systems may be required for processes or functions including laboratory animal occupancy.
- Special requirements or codes and pressure relationships may determine minimum ventilation rates and filter efficiency. Procedures generating contaminants may require higher rates.
- Air shall not be recirculated into other spaces.
- Makeup air for hood exhaust may require more ventilating air.
- Occupant loading shall be based on the number of bedrooms as follows: first bedroom, two persons; each additional bedroom, one person. Where higher occupant loadings are known, they shall be used.

TABLE 3-5
Prescriptive Integrated Forced Air Supply Duct Sizing

((Number of Bedrooms	Minimum Smooth-Duct Diameter	Minimum Flexible-Duct Diameter	Maximum Length [†]	Maximum Number of Elbows [‡]
2 or less	6"	7"	20'	3
3	7"	8"	20'	3
4 or more	8"	9"	20'	3))

PROPOSED

Required Flow (CFM) Per Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter	Maximum Length ¹	Maximum Number of Elbows ²
50-80	6"	7"	20'	3
80-125	7"	8"	20'	3
115-175	8"	10"	20'	3
170-240	9"	11"	20'	3

- For lengths over 20 feet increase duct diameter 1 inch.
- For elbows numbering more than 3 increase duct diameter 1 inch.

TABLE 3-6
Prescriptive Supply Fan Duct Sizing

Supply Fan Tested CFM At 0.4" WG		
Specified volume from Table 3-2	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50-90 CFM	4 inch	5 inch
90-150 CFM	5 inch	6 inch
150-250 CFM	6 inch	7 inch
250-400 CFM	7 inch	8 inch

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

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-503 Radon prescriptive requirements.

503.1 Scope: This section applies to those counties specified in section 501.2.2. This section establishes prescriptive construction requirements for reducing the potential for radon entry into all Group R occupancies, and for preparing the building for future mitigation if desired.

In all crawlspaces, except crawlspace plenums used for providing supply air for an HVAC system, a continuous air barrier shall be installed between the crawlspace area and the occupied area to limit air transport between the areas. If a wood sheet subfloor or other material is utilized as an air barrier, in addition to the requirements of section 502.1.6.2 of the Washington state energy code, all joints between sheets shall be sealed.

503.2 Floors in Contact with the Earth

503.2.1 General: Concrete slabs that are in direct contact with the building envelope shall comply with the requirements of this section.

EXCEPTION: Concrete slabs located under garages or other than Group R occupancies need not comply with this chapter.

503.2.2 Aggregate: A layer of aggregate of four inch minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

503.2.3 Gradation: Aggregate shall:

a) Comply with ASTM Standard C-33 Standard Specification for Concrete Aggregate and shall be size No. ((67)) 8 or larger size aggregate as listed in Table 2, Grading Requirements for Coarse Aggregate; or

b) Meet the 1988 Washington State Department of Transportation specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete", or any equivalent successor standards. Aggregate size shall be of Grade ((5)) 8 or larger as listed in section 9-03.1 (3) C, "Grading"; or

c) Be screened, washed(~~(, and)~~) pea gravel free of deleterious substances in a manner consistent with ASTM Standard C-33 with one hundred percent ~~((of the gravel))~~ (100%) passing a one-half (1/2) inch sieve and less than ~~((two))~~ five percent (5%) passing a ~~((four-inch))~~ No. 16 sieve. Sieve characteristics shall conform to those acceptable under ASTM Standard C-33.

EXCEPTION: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

503.2.4 Soil-Gas Retarder Membrane: A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least six mil, or equivalent flexible sheet material, shall be placed directly ~~((under all concrete slabs so that the slab is in direct contact with the))~~ on top of the aggregate. Two inches (2") minimum of fine sand or pea gravel shall be installed between the concrete slab and membrane. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least twelve inches. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed.

((EXCEPTION: If the membrane is not in direct contact with the bottom of the concrete slab, all overlapping seams shall be sealed with an approved tape or sealant, and the material shall be sealed to the foundation wall in a permanent manner. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed. In no case shall the membrane be installed below the aggregate.))

503.2.5 Sealing of Penetrations and Joints: All penetrations and joints in concrete slabs or other floor systems and walls below grade shall be sealed by an approved sealant to create an air barrier to limit the movement of soil-gas into the indoor air.

Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

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OPTION 1

503.2.6 Radon Vent: One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be permanently gas tight. The continuous sealed pipe shall interface with the aggregate in the following manner, or by other approved equal method: The pipe shall be permanently connected to a "T" within the aggregate area so that the two end openings of the "T" lie within the aggregate area. A minimum of five feet of flexible or rigid perforated drain pipe ((of three inches minimum diameter)) shall extend in each direction from the tee. The pipe shall join to and extend from the "T(-)" as follows:

- a. 3" minimum diameter for slabs 750 sq. ft. or less,
- b. 4" minimum diameter for slabs between 750 and 3000 sq. ft., or
- c. Radon removal systems for slabs over 3000 sq. ft. shall require approval.

The perforated pipe shall remain in the aggregate area and shall not be capped at the ends. The "T" and its perforated pipe extensions shall be located at least five feet horizontally from the exterior perimeter of the aggregate area.

The continuous sealed pipe shall terminate no less than twelve inches above the eave, and more than ten horizontal feet from a woodstove or fireplace chimney, or operable window. The continuous sealed pipe shall be permanently labeled "radon vent(-)" ((The)) on each floor and attic space. At least one label shall be placed so as to remain visible to an occupant.

The minimum pipe diameter shall be three inches for a slab with less than 750 sq. ft. and four inches for a slab 750 to 3000 sq. ft. unless otherwise approved. Slabs larger than 3000 sq. ft. shall require approval. Acceptable sealed plastic pipe shall be smooth walled, and may include either PVC schedule 40 or ABS schedule of equivalent wall thickness.

The entire sealed pipe system shall be sloped to drain to the sub-slab aggregate.

The sealed pipe system may pass through an unconditioned attic before exiting the building; but to the extent practicable, the sealed pipe shall be located inside the thermal envelope of the building in order to enhance passive stack venting.

EXCEPTION: A fan forced sub-slab depressurization system includes:

- 1) Soil-gas retarder membrane as specified in section 503.2.4;
- 2) Sealing of penetrations and joints as specified in section 503.2.5;
- 3) A ~~((three-inch))~~ continuous sealed radon pipe shall run from a point within the aggregate under each concrete slab to a point outside the building;
- 4) Joints and connections may be gas tight, and may be of either PVC schedule 40 or ABS schedule of equivalent in wall thickness;
- 5) A label of "radon vent" on each floor and attic space shall be placed on the pipe so ((as to remain)) at least one label remains visible to the occupant;
- 6) Fan circuit and wiring as specified in section 503.2.7 and a fan.

If the sub-slab depressurization system is exhausted through the concrete foundation wall or rim joist, the exhaust terminus shall be a minimum of six feet from operable windows or outdoor air intake vents and shall be directed away from operable windows and outdoor air intake vents to prevent radon re-entrainment.

503.2.7 Fan Circuit and Wiring and Location: An area for location of an in-line fan shall be provided. The location shall be as close as practicable to the radon vent pipe's point of exit from the building, or shall be outside the building shell; and shall be located so that the fan and all downstream piping is isolated from the indoor air.

Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A one hundred ten volt power supply shall be provided at a junction box near the fan location.

503.2.8 Separate Aggregate Areas: If the four-inch aggregate area underneath the concrete slab is not continuous, but is separated into distinct isolated aggregate areas by a footing or other barrier, a minimum of one radon vent pipe shall be installed into each separate aggregate area.

EXCEPTION: Separate aggregate areas may be considered a single area if a minimum ((three-inch diameter)) of a twelve (12) square inch connection joining the separate areas is provided for every ((thirty-feet)) ten (10) linear feet, or fraction thereof, of barrier separating those areas. The connection shall be constructed to allow air flow and remain free from obstruction.

503.2.9 Concrete Block Walls: Concrete block walls connected to below grade areas shall be considered unsealed surfaces. All openings in concrete block walls that will not remain accessible upon completion of the building shall be sealed at both vertical and horizontal surfaces, in order to create a continuous air barrier to limit the transport of soil-gas into the indoor air.

503.3 Radon Crawlspace Ventilation: A radon vent shall be installed in crawlspaces originating from a point between the ground cover (see WAC Section 502.1.6.7) and soil. The radon vent shall be installed in accordance with Sections 503.2.6 and 503.2.7. Radon vents shall comply with the following:

- a. Three (3) inch minimum radon vent pipe for crawlspaces 750 square feet or less,
- b. Four (4) inch minimum radon vent pipe for crawlspaces between 750 and 3000 square feet, or
- c. Radon removal systems for crawlspaces over 3000 square feet shall require approval.

AMENDATORY SECTION (Amending WSR 93-02-056, filed 1/6/93, effective 7/1/93)

WAC 51-13-503 Radon prescriptive requirements.

503.1 Scope: This section applies to those counties specified in section 501.2.2. This section establishes prescriptive construction requirements for reducing the potential for radon entry into all Group R occupancies, and for preparing the building for future mitigation if desired.

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In all crawlspaces, except crawlspace plenums used for providing supply air for an HVAC system, a continuous air barrier shall be installed between the crawlspace area and the occupied area to limit air transport between the areas. If a wood sheet subfloor or other material is utilized as an air barrier, in addition to the requirements of section 502.1.6.2 of the Washington state energy code, all joints between sheets shall be sealed.

503.2 Floors in Contact with the Earth

503.2.1 General: Concrete slabs that are in direct contact with the building envelope shall comply with the requirements of this section.

EXCEPTION: Concrete slabs located under garages or other than Group R occupancies need not comply with this chapter.

503.2.2 Aggregate: A layer of aggregate of four inch minimum thickness shall be placed beneath concrete slabs. The aggregate shall be continuous to the extent practical.

503.2.3 Gradation: Aggregate shall:

a) Comply with ASTM Standard C-33 Standard Specification for Concrete Aggregate and shall be size No. ~~((67))~~ 8 or larger size aggregate as listed in Table 2, Grading Requirements for Coarse Aggregate; or

b) Meet the 1988 Washington State Department of Transportation specification 9-03.1 (3) "Coarse Aggregate for Portland Cement Concrete", or any equivalent successor standards. Aggregate size shall be of Grade ~~((5))~~ 8 or larger as listed in section 9-03.1 (3) C, "Grading"; or

c) Be screened, washed ~~((and))~~ pea gravel free of deleterious substances in a manner consistent with ASTM Standard C-33 with one hundred percent ~~((of the gravel))~~ (100%) passing a one-half (1/2) inch sieve and less than ~~((two))~~ five percent (5%) passing a ~~((four inch))~~ No. 16 sieve. Sieve characteristics shall conform to those acceptable under ASTM Standard C-33.

EXCEPTION: Aggregate shall not be required if a substitute material or system, with sufficient load bearing characteristics, and having approved capability to provide equal or superior air flow, is installed.

503.2.4 Soil-Gas Retarder Membrane: A soil-gas retarder membrane, consisting of at least one layer of virgin polyethylene with a thickness of at least six mil, or equivalent flexible sheet material, shall be placed directly ~~((under all concrete slabs so that the slab is in direct contact with the))~~ on top of the aggregate. Two inches (2") minimum of fine sand or pea gravel shall be installed between the concrete slab and membrane. The flexible sheet shall extend to the foundation wall or to the outside edge of the monolithic slab. Seams shall overlap at least twelve inches. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed.

~~((EXCEPTION: If the membrane is not in direct contact with the bottom of the concrete slab, all overlapping seams shall be sealed with an approved tape or sealant, and the~~

~~material shall be sealed to the foundation wall in a permanent manner. The membrane shall also be fitted tightly to all pipes, wires, and other penetrations of the membrane and sealed with an approved sealant or tape. All punctures or tears shall be repaired with the same or approved material and similarly lapped and sealed. In no case shall the membrane be installed below the aggregate.))~~

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Sealants shall be approved by the manufacturer for the intended purpose. Sealant joints shall conform to manufacturer's specifications. The sealant shall be placed and tooled in accordance with manufacturer's specifications. There shall be no gaps or voids after the sealant has cured.

OPTION 2

503.2.6 Radon Vent: One continuous sealed pipe shall run from a point within the aggregate under each concrete slab to a point outside the building. Joints and connections shall be permanently gas tight. The continuous sealed pipe shall interface with the aggregate in the following manner, or by other approved equal method: The pipe shall be permanently connected to a "T" within the aggregate area so that the two end openings of the "T" lie within the aggregate area. A minimum of five feet of flexible or rigid perforated drain pipe ((of three inches minimum diameter)) shall extend in each direction from the tee. The pipe shall join to and extend from the "T((-))" as follows:

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((EXCEPTION: A fan forced sub-slab depressurization system includes:

- 1) ~~Soil gas retarder membrane as specified in section 503.2.4;~~
- 2) ~~Sealing of penetrations and joints as specified in section 503.2.5;~~
- 3) ~~A three inch continuous sealed radon pipe shall run from a point within the aggregate under each concrete slab to a point outside the building;~~
- 4) ~~Joints and connections may be gas tight, and may be of either PVC schedule 40 or ABS schedule of equivalent in wall thickness;~~
- 5) ~~A label of "radon vent" shall be placed on the pipe so as to remain visible to the occupant;~~
- 6) ~~Fan circuit and wiring as specified in section 503.2.7 and a fan.~~

~~If the sub-slab depressurization system is exhausted through the concrete foundation wall or rim joist, the exhaust terminus shall be a minimum of six feet from operable windows or outdoor air intake vents and shall be directed away from operable windows and outdoor air intake vents to prevent radon re-entrainment.))~~

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Provisions shall be made to allow future activation of an in-line fan on the radon vent pipe without the need to place new wiring. A one hundred ten volt power supply shall be provided at a junction box near the fan location.

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EXCEPTION: Separate aggregate areas may be considered a single area if a minimum ((three inch diameter)) of a twelve (12) square inch connection joining the separate areas is provided for every ((thirty feet)) ten (10) linear feet, or fraction thereof, of barrier separating those areas. The connection shall be constructed to allow air flow and remain free from obstruction.

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503.2.6 and 503.2.7. Radon vents shall comply with the following:

- a. Three (3) inch minimum radon vent pipe for crawlspaces 750 square feet or less.
- b. Four (4) inch minimum radon vent pipe for crawlspaces between 750 and 3000 square feet, or
- c. Radon removal systems for crawlspaces over 3000 square feet shall require approval.

WSR 00-16-135

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 97-09A—Filed August 2, 2000, 10:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-092.

Title of Rule: Chapter 173-340 WAC, Model Toxics Control Act; chapter 173-321 WAC, Public participation grants; and chapter 173-322 WAC, Remedial action grants.

Purpose: Implement changes recommended by the Policy Advisory Committee in its December 1996 report to the legislature and ecology; comply with other laws and the governor's executive order on regulatory reform.

Statutory Authority for Adoption: Chapter 70.105D RCW.

Statute Being Implemented: Chapter 70.105D RCW.

Summary: Amend the rules for the Model Toxics Control Act, public participation grants, and remedial action grants to reduce confusion experienced by constituents wanting to cleanup contaminated property.

Reasons Supporting Proposal: Clarify, strengthen, and apply new methodologies and science that will create a more effective rule that is protective of human health and the environment.

Name of Agency Personnel Responsible for Drafting: Trish Akana, Olympia, (360) 407-7230; Implementation and Enforcement: Toxics Cleanup Program, state-wide, (360) 407-6000.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will increase flexibility in varying parameters to define cleanup levels and remediation levels; defines objectives and framework for regulations on ecological risk assessment; clarifies remedy selection and streamlines the process; encourage cleanups through various approaches to area-wide contamination; allow early public involvement and technical assistance to communities; streamline the grants procedures; and replace interim guidance on total petroleum hydrocarbons.

Proposal Changes the Following Existing Rules: The liable party could propose site-specific exposure assumptions; citizens will be assured of early notice and more effective participation in site cleanup decisions affecting the community's quality of life; if there are soil-based ecological

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resources on or nearby the site, the liable party can more easily evaluate the need for an ecological risk assessment; emphasis is added on evaluating the cost and reliability of institutional controls as part of remedy selection; area-wide solutions to contamination offer alternatives that will speed cleanup and expedite redevelopment; and if the site contains petroleum contamination, a new approach will be available to more accurately reflect the characteristics and risks of the contamination within the existing cleanup methods.

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

Small Business Economic Impact Statement

Draft Revisions to the Model Toxics Control Act, Chapter 173-340 WAC

Background: More than 8,119 sites in Washington are suspected or confirmed of being contaminated with hazardous substances. A variety of actions caused this contamination including accidental spills or releases, illegal dumping and waste handling practices that were once thought to be safe. To ensure these sites are cleaned up, Washington voters passed the Model Toxics Control Act (MTCA) in November 1988. This statute, subsequently codified as chapter 70.105D RCW, vested the Department of Ecology with the basic authority to oversee the cleanup of sites contaminated with hazardous waste. Specifically, the MTCA statute granted ecology the power to:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release...;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances... In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable...;

(c) Classify substances as hazardous substances...;

(d) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment;

(e) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment...;

(f) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter...; and

(g) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

RCW 70.105D.030(1).

With regard to rule making, the MTCA further directed ecology to:

Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. 9621 and at least as stringent as all applicable state

and federal laws, including health-based standards under state and federal law.

RCW 70.105D.030 (2)(e).

Ecology regulations implementing [the] MTCA - adopted in the early 1990s - have been very effective in moving sites through cleanup. As of October 1999, 45% of the more than 8,119 contaminated sites require no further action; the cleanup is in progress at 36% of the sites; and cleanup is pending at 19% of the sites. One measure of the progress achieved towards cleaning up sites is the more than 7 million pounds of toxic contaminants that were treated, removed, recycled or contained in 1998.¹

Despite this success, certain aspects of the regulation are controversial. In response, the 1995 legislature adopted ESHB 1810 which directed ecology to establish a Policy Advisory Committee "to provide advice to the legislature and the department on administrative and legislative actions to more effectively implement the model toxics control act." (Sec. 1, HB 1810). The law specifically directed the Policy Advisory Committee to consider substantive regulatory changes in the following areas:

(1) Use of site-specific risk assessments.

(2) Evaluation of ecological cleanup standards and the need to establish and adopt levels to protect the environment.

(3) Delivery of enhanced technical assistance to liable persons thereby helping small business and others with the cleanup process.

(4) Methods to enhance public participation.

(5) Greater assurance about the quality of independent cleanups.

(6) Greater assurance of the successful use of institutional and engineering controls to protect people and the environment from hazardous substances left at a site.

(7) Increased initiatives to clean up area-wide sites that are commonly known as brownfields to reenter the market as productive, useable, tax-revenue generating and economically restored property.

(8) More understandable and usable regulations that reflect how cleanups are conducted under [the] MTCA.

(9) More options for addressing and resolving disputes between ecology and liable persons.

(10) Development of a short- and long-term strategy for dealing with the most prevalent contaminant, petroleum.

The Policy Advisory Committee submitted its final report on December 15, 1996. The final report contains numerous recommendations for regulatory changes to the act. Throughout its work, the Policy Advisory Committee clearly expected that its recommendations would form the basis of an ecology proposal to amend the current MTCA rule.

The Proposed Regulatory Revisions. The department is directed by the Model Toxics Control Act to provide grants to persons who may be adversely affected by a release or threatened release of hazardous substance and to not-for-profit public interest groups. These grants are to be used to facilitate public participation in the investigation and remediation of a release or threatened release of a hazardous substance and to facilitate public participation in the implementation of the state's solid and hazardous waste management

priorities. The purpose of chapter 173-321 WAC is to set forth eligibility criteria and funding requirements for ecology to follow in providing these grants. Because proposed amendments to this chapter do not affect small (or large) businesses, the proposed changes to this chapter will not have a disproportionate affect on small businesses.

The department is also proposing amendments to chapter 173-322 WAC. This chapter provides the department direction and authority to provide remedial action grants and loans to local governments for the purpose of addressing remedial actions. Because proposed amendments to this chapter do not affect small (or large) businesses, the proposed changes to this chapter will not have a disproportionate affect on small businesses.

After receiving the Policy Advisory Committee's report in December 1996, ecology began a three-year negotiated rule-making effort to craft revisions to the rules (chapter 173-340 WAC). This effort included the formation of an external advisory group and extensive discussions with stakeholders. In addition, a separate advisory group met to review the cleanup standards for sites contaminated with petroleum products. Ecology partnered with the Duwamish Coalition's Total Petroleum Hydrocarbon (TPH) Project Oversight Group to develop a methodology for setting site-specific, risk-based cleanup levels at petroleum-contaminated sites. The result was the development of rules that will replace the department's interim TPH guidance. In addition, the agency worked extensively with its Science Advisory Board (SAB) to update the science for analyzing cross-media effects of contamination. Throughout this effort ecology worked to keep interested parties abreast of potential changes under consideration. Thus, the proposed amendments to the MTCA rule reflect the input of individuals both within and outside the department. In June 1998, the department employed the services of a professional mediator to go between constituents and ecology staff and facilitate solutions to outstanding issues.

While touching nearly every section of the current rule, the proposed amendments fall into three main categories. First, many of the proposed amendments simply revise current regulatory language to clarify existing cleanup requirements. State government has long recognized that some administrative rules are difficult to understand. The governor sought to address this problem by requiring agencies to review their regulations to ensure they were understandable to regulated parties. (Executive Order on regulatory improvement, No. 97-02.)

Ecology's review of the MTCA rule revealed that certain sections were less than clear. For example, the proposed amendments include language to better explain development of remediation levels and the remedy selection process. Current ecology policy recognizes and uses the concept of "remediation level" or "action level" (which is different from "cleanup level") during the remedy selection process. However, the concept is not defined and many PLPs are unaware of it. The proposed amendments would formally incorporate and recognize the role of "remediation levels" or "action levels" in the remedy selection process. The proposed amendments would also further explain the remedy selection process: (1) How to scope the feasibility study in order to nar-

row the focus of alternatives to be evaluated; (2) the criteria used to determine the minimum cleanup requirements, and; (3) the criteria used to determine the alternative that is "permanent to the maximum extent practicable." These types of changes would not establish new or alter current regulatory requirements. Rather, they make existing MTCA requirements more understandable to potentially liable persons (PLPs), lending institutions, ecology staff, and other interested parties.

The second category of proposed changes incorporate current ecology policy and guidance into the rule. Since adoption of the original MTCA rule, the department has made many policy decisions and issued many guidance documents on how to implement the rule. For example, current ecology policy on statistical methods for determining compliance is incorporated into the rule, as is ecology's current policy on delisting of sites. Another example where ecology policy has been included in the proposed rule amendments concerns prospective purchaser consent decrees and the 1997 legislative change in criteria.

The final category of proposed amendments would significantly change parts of the MTCA rules. These changes affect the process used to determine the remediation activity(s) and what ecology will accept as a protective remedy, affecting both PLPs and ecology. Examples of these changes include:

- The proposed amendments clarify the use of a quantitative risk assessment in evaluating alternatives being considered during the feasibility study and in establishing cleanup levels (within specified constraints). Currently, ecology uses mostly qualitative assessment of the residual risk. While the effect of using quantitative risk assessment will depend on site specific circumstances, ecology generally anticipates higher levels of residual contamination. The amendments include a process for assessing risk to terrestrial ecological receptors and quantitatively estimating cross media effects of contamination in determining cleanup levels.
- The proposed amendments place more emphasis on ensuring the effectiveness of institutional controls. Institutional controls are measures at contaminated sites to ensure that the actual use to which such a site is put after cleanup is compatible with the level of cleanup completed. The proposal places added emphasis on ensuring that adequate funding is available to cover long-term site costs through financial assurances. This change should result in better long-term effectiveness (over the coming decades) of nonpermanent site remedies.
- The proposed amendments authorize ecology to develop model remedies as resources allow. This was recognized as an important measure for small business (see section on mitigation measures). Ecology anticipates that model remedies could be developed for common categories of facilities, types of contamination, types of media, or specific geographic areas. The availability of model remedies will encourage site cleanups for two reasons. First, PLPs could reduce the upfront costs of preparing feasibility studies. Second, PLPs

would have more certainty of regulatory approval of an independent remediation.

- The proposed rule adds some new, and changes some existing, cleanup/contamination standards for various contaminants. For example, Method A cleanup levels for groundwater and soil would include standards for MTBE and Naphthalene. The Method A groundwater cleanup levels for some petroleum constituents, such as ethylbenzene, lead, toluene and xylenes, are proposed to be less stringent. For soil, the Method A values for petroleum constituents, such as benzene, ethylbenzene, toluene and xylenes, will become more stringent.

Small Business Economic Impact Statements. The purpose of this report is to assist ecology in making decisions on the proposed rule amendments. It will also assist in complying with legal requirements. The law requires that the economic aspects of state agency rules be evaluated prior to promulgation. If there is a disproportionate impact on small businesses then the agency must reduce the cost of the rule if it is legal and feasible to do so.

Each rule proposed by ecology in response to legislative mandates must comply with the Administrative Procedure Act (RCW 34.05.328) and the Regulatory Fairness Act (chapter 19.85 RCW).

The Regulatory Fairness Act (act)² requires state agencies to prepare a small business economic impact statement (SBEIS) prior to proposing to amend or adopt a regulation. The impetus for the legislation was a concern that regulatory mandates could "threaten the very existence of some small businesses." (RCW 19.85.011.) The act defines a small business 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." (RCW 19.85.020.)

Ecology used the following process to determine whether it should provide regulatory relief to small businesses in the proposed rule.

- | | |
|-----------|---|
| Step I | Determine the categories of businesses affected by the proposed regulations |
| Step II | Determine the range of employment for each category of business |
| Step III | Determine the "more than minor" cost threshold for each category of business |
| Step IV | Determine whether the estimated cost exceeds the "more than minor" cost threshold for each category of business |
| Step V | Determine whether the proposed regulations impose a disproportionate cost burden on small businesses |
| Step VI | Determine whether regulatory relief for small businesses is legal and feasible |
| Step VII | Describe the regulatory relief provided to small businesses |
| Step VIII | Miscellaneous SBEIS requirements |

This process does not always result in the provision of regulatory relief. At several steps along this process ecology could determine that regulatory relief is not warranted or that a full SBEIS is unnecessary. For example, if ecology found in Step II that all businesses within an industrial category had more (or less) than fifty employees, the regulation could not, by definition, disproportionately affect small businesses. Such a finding would obviate the need to provide regulatory relief. Or, if the cost to businesses determined in Step IV were below the "more than minor" cost threshold, then, by law, an SBEIS is not required. Similarly, ecology could determine that it could not legally provide regulatory relief in Step VI. The analyses must proceed to Step VII for ecology to be obligated to provide regulatory relief to small businesses.

Step I: What Businesses are Affected by the Proposed Regulation? The proposed rule is somewhat unusual in that it does not directly regulate a specific category of businesses. Rather, it regulates the cleanup of contaminated land. An affected business is one that has in the past or will in the future, knowingly or unknowingly generates or arranges for disposal of hazardous substances or owns or operates a facility where hazardous substances have been released into the environment. Thus, virtually all businesses in the state could fall under this regulation. However, for most business or industrial categories, only a subset of entities will have a release that poses a threat to human health or the environment [that] will be affected by the proposed rule amendments.³

Ecology used its integrated site information system (ISIS) to identify the types of businesses that commonly have hazardous waste contamination problems and would be affected by the proposed rule. (Sites listed in the ISIS database have known or suspected hazardous waste contamination.) Through this effort, ecology identified twelve categories of businesses (identified by standard industrial code or SIC) with high numbers of contaminated sites:

- Metal Mining
- Miscellaneous Wood Products
- Natural Gas Production and Distribution
- Petroleum Refining
- Petroleum Asphalt
- Miscellaneous Petroleum Products
- Electroplating
- Agricultural Chemicals
- Sanitary Sewage and Refuse Systems
- Scrap Metal and Waste
- Gasoline Service Stations
- Automotive

While many businesses affected by the proposed rule fall outside these twelve categories, ecology believes they cover a sufficient range of activities to determine whether the proposed rule would impose disproportionate costs on small businesses.

Step II: What is the Employment Profile of Businesses Affected by the Proposed Regulation? To determine the employment profiles of businesses potentially affected by the proposed amendments, ecology turned to reports issued by the U.S. Department of Commerce.⁴ Table 1 presents state employment for each identified category of

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business. Most business categories have many more employees with fewer than fifty employees than those with more than fifty employees. However, since all but one category includes businesses with both more than fifty and less than fifty employees, the proposed regulation clearly has the potential to impose disproportionate costs on small businesses.

Step III: What are the "more than minor" Cost Thresholds for Businesses Affected by the Proposed Regulation? An SBEIS is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold ranges from \$50 to \$300 depending on what standard industrial code (SIC) category the business falls into.⁵ Given the number and range of businesses potentially affected by the proposed regulations, this SBEIS uses \$50 as the benchmark between minor and "more than minor" costs.

Step IV: Do the Costs Imposed by the Proposed Rule Exceed the "more than minor" Cost Threshold? When calculating the cost of proposed amendments to existing regulations, it is very important to separate out and ignore the cost of the current regulations. While important to the liable

parties, the costs of complying with the current requirements are not relevant to this analysis. The only cost issue for the SBEIS analysis is how much *more* or *less* businesses will pay to comply with the amended rule.

The wide scope of the proposed amendments to the rules implementing the Model Toxics Control Act will increase costs for some businesses and decrease costs for others. For example, the proposed changes to the Method "A" soil cleanup standards could increase costs for sites contaminated with benzene and lower the cleanup cost for sites with heating oil contamination. Similarly, if a person chooses to revise the default input parameters for calculating soil ingestion cleanup levels for sites contaminated with petroleum mixtures, then the revised parameters could raise or lower costs. The proposed amendments would make other changes that will raise cleanup costs at certain sites. Specifically, the addition of dermal and vapor exposure pathways when using site-specific risk assessments to develop soil cleanup standards may increase costs at sites that choose this option. Still other proposed changes could decrease cost such as the provisions expanding the use of quantitative risk assessment when selecting the cleanup remedy.

TABLE 1
Employment Statistics of Business Categories Commonly Affected by the Proposed Amendments to Model Toxics Control Act Regulations*

SIC Code	Industry	Total Number of Establishments	Number of Establishments by employment-size		Total Number of Employees
			1 to 49	50+	
10	Metal Mining	28	27	1	351
249	Miscellaneous Wood Products	94	82	12	1750
287/5191	Agricultural Chemicals	29/398	25/387	4/11	799/4216
291	Petroleum Refining	9	4	5	1719
295	Petroleum Asphalt	17	13	4	554
299	Miscellaneous Petroleum Products	4	4	0	63
347	Electroplating	79	73	6	1429
492	Natural Gas Production and Distribution	43	35	8	1791
495	Sanitary Sewerage and Refuse Systems	150	136	14	9489
5093	Scrap Metal and Waste	188	180	8	2141
554	Gasoline Service Stations	1448	1443	5	12330
753	Automotive Repair	3082	3076	6	14594

*All employment statistics from United States Department of Commerce, County Business Patterns, 1996, Washington, CBP/96-49, November 1998, Table 1b.

The estimated change in cleanup costs brought about by the proposed amendments will vary substantially among businesses both within and between industrial categories. Usually only a subset of businesses in any given category will have contributed to a contamination problem and therefore face cleanup costs. Moreover, the actual cleanup costs depend on many factors: The quantity and toxicity of chemicals used by the business; the type of ground underlying the

contamination (e.g., rock, sand, silt or clay); the proximity of the contaminated land to residential areas; and, whether the contaminated land overlays an aquifer.

Another factor affecting business costs is whether the contamination was caused by more than one entity. In such cases, the cleanup costs can often be spread among several PLPs. Despite these factors, any business responsible for cleaning up even a small portion of a small area of low toxicity contamination will virtually always exceed the "more than minor" cost threshold. Therefore, ecology concludes that the

proposed regulatory amendments will increase costs by more than the "more than minor" \$50 cost threshold.

To provide an example of the likely cost impact of the proposed rule amendments on businesses, ecology considered their effect on gasoline refueling stations. Gasoline station owners where releases to the environment have occurred can choose one of two types of cleanup processes: Method A or Method B. Those choosing Method A may experience slightly higher costs under the proposed rule. The proposal would lower residual soil cleanup levels for several contaminants (e.g., gasoline, ethylbenzene and xylenes). Therefore, dependent on soil type and the extent of contaminants released to the environment, the consequence of this change may be that gas station owners would have to treat in-place or remove and haul away additional soil. This is also dependent on the remedy that will ultimately be selected. If additional contaminated soil needs to be removed, cleanup costs will be slightly higher.

The change in cost to gas station owners choosing Method B type cleanup will be less certain. The proposed rule amendments will increase the amount of precleanup planning, evaluating and testing. However, by basing the cleanup on site-specific parameters (e.g., the proximity of the site to people and ground water) the proposed rule would afford gas station owners the opportunity to lower the amount of soil removed and thereby reduce costs. Thus, the department did not predict the overall effect of the proposed rule amendments on gas station owners choosing Method B type of cleanup. Under the current rules, most gas station owners have chosen to follow a Method A type cleanup process. Given the potential for the proposed rule amendments to decrease the cost of Method B cleanups, the department expects that the number of gas stations choosing Method B will slightly increase under the proposed rule.

Step V: Does the Proposed Regulation Impose a Disproportionate Cost Burden on Small Businesses? To determine whether the proposed rule will disproportionately affect small businesses, the act requires a comparison of "the cost of compliance for small business with the cost of compliance for the ten percent of [the largest] businesses... using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per \$100 of sales." (RCW 19.85.040)

Of the alternative ways to compare costs, the preferable approach is "cost per \$100 of sales." By providing a measure of the effect of the proposed rule on the profits of affected businesses, this approach best indicates the likelihood that the businesses will continue (or fail). Thus, this approach most directly addresses the legislature's concern of whether a proposed rule "...threaten[s] the very existence of some small businesses."

As stated above, the costs to clean up contaminated sites to MTCA standards are large and may vary widely depending on specific site and business circumstances. A small business economic impact statement prepared for the existing MTCA cleanup regulations found that "the draft regulation does have a disproportional impact on small business."⁶ For example, small businesses in the electric, gas and sanitary services

industry faced costs up to one hundred times the cleanup costs (relative to sales) as their larger counterparts. The principal finding of that analysis was that cleanup costs are proportional to business size - larger businesses have a larger sales base over which to spread regulatory costs.

In this rule revision, more sophisticated methods are available to make risk assessment and risk management decisions, but these methods may not be as readily used by small business as large business because they are more complex and technical. As a result, ecology concludes that small businesses are more likely to face disproportionately higher costs than large businesses.

Step VI: Is Regulatory Relief for Small Businesses Legal and Feasible? When an agency finds disproportionate cost impacts, the act requires the agency to reduce the costs imposed by the rule on small businesses "where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based" (RCW 19.85.030). Therefore, the next logical question is, can ecology provide relief?

The statute from which ecology derives its authority to issue these regulations describe overarching goals rather than specific regulatory requirements:

- Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations. (RCW 70.105D.010)
- It is in the public's interest to efficiently use our finite land base, to integrate our land use planning policies with our cleanup policies, and to clean up and reuse contaminated industrial properties in order to minimize industrial development pressures on undeveloped land and to make clean land available for future social use. (RCW 70.105D.010)
- ...the purpose of this chapter [is] to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. (RCW 70.105D.020(21))
- In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action. (RCW 70.105D.030 (1)(b))

These statutory provisions do not prevent ecology from providing regulatory relief to small businesses. They do, however, clearly articulate that ecology's preeminent objective must be the protection of public health and the environment. As a result, ecology built into the proposed amendments the flexibility to modify cleanup requirements in ways that both lower the cost to small businesses and appropriately protect human health and the environment. Throughout the development of the mitigation measures for small businesses, ecology was careful to maintain those elements of the proposed amendments needed to protect human health and the environment.

Step VII: The Regulatory Relief Provided to Small Businesses. The act provides some guidance for the provision of small business relief due to disproportionate cost

impacts whereby methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques. (RCW 19.85.030)

After carefully considering these approaches within the underlying statutory objectives, ecology included several elements in the MTCA rules to mitigate economic impacts. Many of these elements continue from the current MTCA rules while a few are new or expand on existing provisions to mitigate small business costs.

1. The proposed rule explicitly allows that a remediation level that leaves hazardous substances at the site in concentrations above cleanup levels may be considered protective of human health and the environment. Many small businesses have not been aware of this concept that has been allowed under the current rule. Explicitly defining and using it in the rule makes this option more available and "user friendly" to small business.

2. The proposed amendments would include provisions allowing the establishment of an off-property point of compliance for area-wide groundwater contamination by multiple sites. This provision was specifically requested by the Policy Advisory Committee to address small business concerns.

3. The proposed amendments expand the types of financial assurance mechanisms that ecology will accept. The current rule requires a trust fund or equivalent mechanism. The change provides more flexibility for businesses to choose an instrument that meets the particular needs of the business. Exceptions from the requirement for financial assurances that will most likely apply to small businesses include where the potentially liable persons for the site will have insufficient funds to conduct the cleanup or where requiring a financial assurance would force a potentially liable person for the site into bankruptcy or similar financial hardship.

4. Ecology will develop model remedies covering sites with similar types of facilities, types of contamination, types of media, or specific geographic areas. Typically, the type of cleanups for which ecology will develop model remedies will meet the following criteria: a) The site conditions including facilities and contamination that commonly occur; b) the remediation choices are obvious and limited; c) the selected remediation method has been proven capable of achieving the cleanup standards; and, d) ecology has experience with similar remediation efforts at other sites. Gasoline leaking from underground storage tanks is one example of the type of sites for which ecology is likely to develop a model remediation. When developed the streamlined procedures mitigate the economic costs of site remediation.

5. The proposed amendments include provisions providing for technical consultations and assistance for independent remedial actions. Experience has shown that most cleanups are done independently and that most of these are done by small businesses. Providing specific authorization and a pro-

cess for technical assistance on these cleanups will primarily benefit small businesses. Ecology can waive fees for the technical assistance based on a person's ability to pay or when costs are de minimis. If the level of consultation a business (small or large) desires for its sites more in-depth or time consuming for ecology staff than that provided without charge, the business will have the option of continuing its consultation by entering into an agreement to reimburse *ecology for its costs* of providing the business assistance.

6. Provisions allow the use of site-specific risk assessment in setting cleanup levels, remediation levels, or in making remedial action decisions under [the] MTCA within certain limitations. This may result in an increase or decrease in cleanup levels and/or remediation levels (and subsequently costs) from the existing rule. To assist the small business, ecology has also provided specific procedures for conducting site-specific risk assessments. However, this method is optional and business may still choose to use Method A values rather than following the more complex methodology provided in Method B.

7. The state toxics control account can be used to help fund remediation efforts. Use of this financial resource is limited to situations where the additional funds will substantially expedite and enhance a remediation activity and prevent or mitigate unfair economic hardship. This funding source will help small business most since they generally have more difficulty raising the necessary funds to complete the remediation actions for which they are liable. Funding needs are evaluated on a case-by-case basis, and financial assistance can range from a partial subsidy to a complete subsidy for cleanup activities. Financial assistance is contingent upon the availability of funds within the model toxics control account.

8. Ecology can facilitate resource sharing during data collection activities related to monitoring. For example, ecology may be able to facilitate resource sharing among applicants in areas where there are several potentially liable parties in close proximity. Ecology can also provide data available from compliance monitoring programs.

9. Many sites have multiple sources of contamination or multiple potentially liable persons or both. Because liability under the MTCA is strict joint and several, the agency may choose to pursue one PLP or many PLPs at a site. One department consideration when deciding on which PLP(s) to pursue is the financial resource available for payment of remedial action costs. This flexibility can lessen the burden on small businesses to the extent that multiple parties share cleanup costs for a site.

10. Ecology has a provision establishing an administrative process for issuing agreed orders that will help to mitigate the impacts of the proposed rule on small businesses. As opposed to a consent decree or a unilateral order, an agreed order may be more desirable to potentially liable parties because of the relatively streamlined process associated with this kind of order (e.g., the assistance of an attorney is not necessarily required). Agreed orders may be used for any type of cleanup action. Because they represent a simplified means of complying with some of the requirements of the

PROPOSED

cleanup decision process, these legal tools are especially well suited for small businesses.

11. Interim actions provide a means of economic mitigation for small businesses. Interim cleanup of a site may be required to reduce threats from contamination while a complete investigation is being performed. Interim actions do not completely achieve cleanup standards at a site. This can be used in some situations to spread the costs of remediation over a period of time. However, the interim action must be consistent with the final cleanup action, or, if the cleanup action is not known, the interim action must not eliminate reasonable cleanup alternatives. To the extent that interim actions are taken to address problems before they become worse with time, this provision may also contribute to an overall reduction in the total cleanup cost that may be borne by small businesses.

12. The proposal for adding a citizen technical advisor within ecology should directly benefit small business by providing an information resource to increase understanding of the Model Toxics Control Act and cleanup issues. The citizen technical advisor may be available to citizens, citizens groups and businesses. The duties of the advisor will include:

- As time allows, provide technical review of site-specific risk documents at the request of citizens or businesses,
- As time allows, review documents as requested by citizens or businesses, including background documents as necessary,
- Answer general questions from the public related to risk assessment, remedial actions, and site cleanup process,
- Translate technical terminology into nontechnical language, and
- Reviewing notices to the public relevant to risk and to provide comment on the effectiveness of communication and key risk issues, at the request of citizens or business.

13. The proposed amendments addressing terrestrial ecological cleanup standards have been crafted so that most small business commercial sites will be exempt from performing a detailed evaluation. Also, the simplified process for addressing nonexempt sites is expected to help many small businesses expedite cleanups.

Step VIII: Miscellaneous SBEIS Requirements.

How did ecology involve affected businesses and other interested parties in the development of the rule? The department's proposal to amend chapter 173-340 WAC began with the legislature's adoption of HB 1810 in 1995. Ecology brought together a twenty-two member Policy Advisory Committee representing diverse views from the legislature, local government, large and small businesses, agriculture, environmental organizations, financial institutions, ports, ecology and the Department of Health. Through their affiliations with larger interest groups, Policy Advisory Committee members carried forward and represented information, interests and objectives of a much larger constituency. The eighteen month PAC process, resulted in a series of recommended changes to current MTCA regulations. These rec-

ommendations formed the starting point for ecology's process to develop the proposed regulatory amendments.

Ecology established an external advisory workgroup to review and advise the agency regarding rule development. The committee members participated in negotiating the proposal. The department also actively sought input from the regulated community, community leaders, environmental organizations and others on its proposals through mass mailings of meeting announcements and documents. Ecology distributed, for public comment, a discussion draft of potential regulatory amendments in December of 1998, and then held two public workshops, one held in Seattle and the other in Spokane, to take informal public comments. Ecology significantly revised the proposed amendment on the basis of the comments received from sixty-seven individuals providing their input.

1. What are the reporting, recordkeeping, and other compliance requirements? The proposed changes to the Model Toxics Control Act provide for reporting and recordkeeping; the required format that data or information must be submitted to ecology; and the length of time that records must be retained by the site owner/operator. Examples of these changes to sections within the MTCA include:

- Changes to WAC 173-340-420 requires ecology to conduct periodic reviews of a site whenever ecology conducts a cleanup action plan or approves a cleanup action where in ecology's judgment, modification to the default equations or assumption using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup. Additionally, ecology would conduct a periodic review at sites where there is uncertainty in the ecological evaluation or where the reliability of the cleanup action requires an assurance that long-term protection of human health and the environment is being achieved. Ecology believes that these requirements would primarily affect larger sites that choose to perform a site-specific risk assessment.
- Changes to WAC 173-340-440 require institutional controls whenever contaminated soil is left near the ground surface so that plants and animals could be affected by it. The purpose of institutional controls is to limit activities that may interfere with a cleanup taking place or resulting in exposure to hazardous substances at the site.
- Changes to WAC 173-340-840 will require sampling data to be submitted in both electronic and printed form. Most site owners/operators are currently required to do this now in accordance with department procedures. Therefore, this requirement only clarifies existing agency procedures and should not add additional cost to owner/operators.
- Changes to WAC 173-340-850 will require site cleanup records to be kept as long as institutional controls are in effect to ensure the remedial action is adequately carried out. Currently, site owners/operators are required to retain records for ten years. Experience has shown that some cleanups continue beyond a ten-year period. The cost of retaining these records for additional time should have minimal impact, since most owner/oper-

tor's records are kept for tax or real estate purposes anyway.

2. Will the proposed rule cause businesses to lose sales or revenue? Ecology finds it unlikely that the proposed regulatory amendments will cause affected businesses any sales or revenue losses. While closing down a business temporarily to conduct a cleanup will result in lost sales, ecology does not anticipate these amendments would cause a significant increase in that down time.

Ecology also finds it unlikely that the proposed amendment will result in significantly higher prices. Businesses will be limited in their ability to pass through costs because the proposed amendments only affect a portion of the businesses in most industrial categories. In order to remain competitive, most businesses will have to hold the line on prices. The result is that ecology expects most cleanup expenditures to come out of business profits. Because the effect of the rule varies considerably from site to site, ecology is unable to predict with any certainty the overall effect on business profits.

One exception to this expectation is for gas stations. The department's experience suggests that most gas stations have had releases from their underground storage tank systems or from overfills; therefore, most gas stations will face cleanup costs at some point. Generally, the cleanup costs range from \$10,000 to \$100,000. Although the majority of cleanup sites do fall within this cost range, some sites are outside this bracket.

Ecology's toxics cleanup program generated "typical" cleanup site models after analyzing a group (informal sample) of sites on ecology's leaking underground storage tank list. The proposed rule amendments were applied to the model sites, and the resultant costs were then compared with cleanup costs of the model sites using the existing regulation. The modeling results demonstrate that there will be minimal additional cost caused by the implementation of the proposed rule amendment.

Assuming a \$50,000 cost that is paid for over five years at an 8% rate of interest is an annual cost of \$12,500. While the proposed rules may slightly increase this cost, ecology does not expect an increase of more than 20%, or \$2,500 per year. Dividing this cost by the 50,000 gallons the typical gas station pumps each month results in an estimated additional per gallon cost of less than \$0.01 per gallon. Therefore, the department anticipates that consumers would see minimal increase in the cost of gasoline as a result of the proposed rule.

3. What professional services is a small business likely to need in order to comply with the requirements of the proposed rule? A small business may need a variety of professional services to comply with the existing rule. The proposed rule should not change the need for a small business to obtain professional services. If the small business would have needed professional services to implement the existing rule, they will likely require professional services to implement the rule after the changes are in effect. In summary, to implement the existing rule or the proposed changes, a business may need to hire an accredited laboratory to extract and analyze samples and a consultant to interpret and report the results. Depending on the findings in the initial report, a

business may need a consultant to prepare a remedial investigation and a feasibility study of cleanup alternatives. In this case the business may also have to hire a contractor to perform the actual cleanup. Finally, a business may likely retain legal counsel to help determine liability and to review decrees or orders and the cleanup action plan.

¹ Model Toxics Control Account, 1999 Annual Report, Washington State Department of Ecology, No. 00-09-001.

² The Regulatory Fairness Act is codified in chapter 19.85 RCW.

³ One exception to this general rule is gas stations. Virtually all gas stations have had a release; therefore, almost all businesses in this category are affected.

⁴ United States Department of Commerce, County Business Patterns, 1996, Washington, CBP/96-49, November 1998, Tables 1a, 1b, and 1c.

⁵ Facilitating Regulatory Fairness, Washington State Department of Community, Trade and Economic Development, Washington State Business Assistance Center, 1995.

⁶ "Small Business Economic Impact Statement, Model Toxics Control Act Cleanup Regulation, Chapter 173-340 WAC," Department of Ecology, October 1989.

A copy of the statement may be obtained by writing to Trish Akana, Rules Coordinator, Toxics Cleanup Program, P.O. Box 432, Olympia, WA 98504-7600, phone (360) 407-7230, fax (360) 407-7154.

The department has determined that the proposed amendments to chapters 173-321 and 173-322 WAC do not affect businesses and, therefore, the changes to those chapters will not have a disproportionate affect on small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules are significant under RCW 34.05.328 because they adopt new or make significant amendments to a policy or regulatory program. The agency has conducted the additional analysis required under RCW 34.05.328.

Hearing Location: On Wednesday, September 6, 2000, at 6:00 p.m., PDT Pinnacle Room, Mountaineers Building, 300 Third Avenue West, Seattle, WA; and on Thursday, September 7, 2000, at 6:00 p.m., PDT, Second Floor, Eastern Regional Office, Department of Ecology, North 4601 Monroe, Suite 100, Spokane, WA.

Assistance for Persons with Disabilities: Contact agency by August 31, 2000, TDD (360) 407-7551.

Submit Written Comments to: Trish Akana, Rules Coordinator, Toxics Cleanup Program, P.O. Box 47600, Olympia, WA 98504-7600, fax (360) 407-7154, by September 15, 2000.

Date of Intended Adoption: November 22, 2000.

August 1, 2000

Daniel J. Silver

Deputy Director

Chapter 173-322 WAC

REMEDIAL ACTION GRANTS AND LOANS

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-020 Definitions. Unless otherwise defined in this chapter, words and phrases used in this chapter shall be defined according to WAC 173-340-200.

"Act" means the "Model Toxics Control Act," chapter 70.105D RCW.

"Agreed order" means an order issued under WAC 173-340-530.

"Area-wide ground water contamination" means multiple adjacent properties with different ownership affected by hazardous substances from multiple sources that have resulted in commingled plumes of contaminated ground water that are not practicable to address separately.

"Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent practicable, and includes adequate monitoring to ensure the effectiveness of the cleanup action.

"Consent order" means an order issued under chapter 90.48 or 70.105B RCW.

"Coordinated water system plan" means a plan for public water systems within a critical water supply service area which identifies the present and future water system concerns and sets forth a means for meeting those concerns in the most efficient manner possible pursuant to chapter 246-293 WAC.

"Decree" means a consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

"Department" means the department of ecology.

"Disposal" means a remedial action which removes hazardous substances from the site and places the hazardous substances in an engineered, regulatory-complaint facility as a final destination.

"Enforcement order" means an order issued under WAC 173-340-540.

"Grant agreement" means a binding agreement between the local government and the department that authorizes the transfer of funds to the local government to reimburse it for a portion of expenditures in support of a specified scope of services.

"Hazard ranking" means the ranking for hazardous waste sites used by the department pursuant to chapter 70.105D RCW.

"Hazardous substances" means any substances as defined in WAC 173-340-200.

"Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

"Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.

"Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

"Local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

"Minimum functional standards" means the requirements of chapters 173-304 and 173-351 WAC, the minimum functional standards for solid waste handling.

"National Priorities List (NPL)" means a list of hazardous waste sites at which the United States Environmental Protection Agency intends to proceed with enforcement or cleanup action.

"No further action (NFA) determination" means an opinion issued by the department under WAC 173-340-515 (5)(b).

"Oversight costs" are remedial action costs of the department or the United States Environmental Protection Agency reasonably attributable to the administration of an order or decree for remedial action at a hazardous waste site.

"Pilot study" means an experiment in remedial action method, with the purpose of testing the suitability of a particular cleanup technology or process for remedial action at a particular site.

"Potentially liable person (PLP)" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

"Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with such system.

"Purveyor" means an agency or subdivision of the state or a municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that owns or operates a public water system, or the authorized agent of such entities.

"Recycling" means a remedial action which permanently removes hazardous substances from the site and successfully directs the material into a new product suitable for further industrial or consumer use.

"Remedial action" means any action or expenditure to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

"Remedial design (RD)" means an engineering study during which technical plans and specifications are developed to guide subsequent cleanup action at a hazardous waste site.

"Remedial investigation/feasibility study (RI/FS)" means a study intended to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action.

"Safe drinking water" means water meeting drinking water quality standards set by chapter 246-290 WAC.

"Safe drinking water action" means an action by a local government purveyor or other purveyor to provide safe drinking water through public water systems to areas contaminated by or threatened by contamination from hazardous waste sites.

"Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

"Site study and remediation" means remedial investigation, feasibility study, pilot study, remedial design, interim action or cleanup action at hazardous waste sites (~~at which a local government is a potentially liable person (PLP) identified by the department~~).

"Treatment" means a remedial action which permanently destroys, detoxifies, or recycles hazardous substances.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-030 Relation to other legislation and administrative rules. (1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous waste investigation and cleanup.

(2) Nothing in this chapter shall modify the legal settlements and ~~(enforcement)~~ orders the department has secured with potentially liable persons for remedial action. The execution of remedies pursuant to court order or decree shall in no way be contingent upon the availability of grant funding.

(3) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-040 Applicant eligibility. (1) All applicants must be local governments as defined in this chapter.

(2) Site study and remediation grants. Eligibility for site study and remediation grants is limited to applicants that meet the following standards:

(a) The applicant must be a local government (~~which~~) that is a potentially liable person (PLP) at a hazardous waste site; or owns a site but is not a PLP; or applies for a remediation grant for area-wide ground water contamination. The local government may be the sole PLP, or there may be other PLPs at the site.

(b) The local government must meet one of the following standards:

(i) The department must have required the local government to perform some phase of remedial action, or have approved or reviewed a completed remedial action. That requirement ~~(may)~~, approval or review shall take ~~(any)~~ one of the following forms (~~hereinafter referred to as "order or decree"~~):

(A) A consent decree under chapter 70.105D or 70.105B RCW requiring remedial action at the site; or

(B) An enforcement order or an agreed order under chapter 70.105D or 70.105B RCW prior to March 1, 1989, requiring remedial action at the site; or

(C) An enforcement order ~~(or a)~~, consent order or consent decree under chapter 90.48 RCW requiring remedial action at the site or an amendment to such an order subsequent to March 1, 1989; or

(D) An underground storage tank (UST) compliance order; or

(E) A no further action (NFA) determination issued after completion of an independent remedial action.

(ii) The local government which is also a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) must have entered into a decree requiring remedial action at a hazardous waste site with the United States Environmental Protection Agency, provided that such agreement has been signed or acknowledged by the department in writing as a sufficient basis for remedial action grant funding.

(iii) The local government must have signed an agreement with the department requiring another PLP to perform remedial action at a landfill site and that agreement must take one of the forms specified in (b)(i) of this subsection. The local government must also have entered into an agreement with that PLP to reimburse the PLP for a portion of incurred remedial action costs with the sole purpose of providing relief to ratepayers and/or taxpayers from some remedial action costs.

(3) Safe drinking water action grants. Eligibility for safe drinking water action grants is limited to applicants who meet the following standards:

(a) The applicant must be a local government purveyor as defined in WAC 173-322-020 or be a local government applying on behalf of a purveyor.

(b) The subject water system must be in an area determined by the department of ecology to be a hazardous waste site or threatened by contamination from a hazardous waste site.

(c) The subject water system must exhibit levels of contamination which exceed the primary maximum contaminant levels (MCLs) set by WAC 246-290-310 or EPA standards as determined by the department of health, or exhibit levels of contamination which exceed the standards set by WAC 173-340-700 through 173-340-760 as determined by the department of ecology, or be certified by the state department of health that a contaminant threatens the safety and reliability of a public water system which cannot be remedied solely by operational solutions. Contaminants must include at least one hazardous substance. If the contaminant is a nitrate or a trihalomethane, it must be determined to have originated from a hazardous waste site.

(d) An order or decree must be issued to the identified potentially liable persons requiring that safe drinking water be provided to the contaminated area as part of a remedial action. The department may waive this requirement if it has determined that no viable potentially liable persons exist, or if public health would be threatened from unreasonable delays associated with the search for potentially liable persons, or the order or decree process.

(e) If water line extensions are included in the proposed projects, such extensions must be consistent with the coordinated water system plan and growth management plan for the geographic area containing the affected water supplies.

(f) The applicant must be in substantial compliance, as determined by the department of health, with applicable rules

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of the Washington state board of health or the department of health, as contained in chapter 246-290 WAC (Public water supplies), chapter 246-292 WAC (Water works operator certification), chapter 246-293 WAC (Water System Coordination Act), and chapter 246-294 WAC (Drinking water operating permits).

(4) Site hazard assessment grants. The purpose of site hazard assessment grants is to involve local health districts and departments in assessing the degree of contamination at suspected hazardous waste sites according to WAC 173-340-320. While enabling local health districts or departments to participate in the scoring and ranking process, the department retains the authority to review and verify the results of a site hazard assessment and to establish the hazard ranking of the site. Eligibility for site hazard assessment grants is limited to applications that meet the following standards:

(a) The applicant must be a local health district or department.

(b) The scope of work for a site hazard assessment must conform to WAC 173-340-320 and prescribed guidelines issued by the department.

(c) The assessment must be for sites agreed to by the department.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-050 Project and cost eligibility. (1) Costs for site study and remediation.

(a) Eligible costs include reasonable costs, including sales tax, incurred in performing:

- (i) Remedial investigations((-));
- (ii) Feasibility studies((-);
- (iii) Remedial designs((-);
- (iv) Pilot studies((-);
- (v) Interim actions((-);

(vi) Landfill closures as required by chapters 173-304 and 173-351 WAC if included in the order or decree for remedial action(~~(-, and as limited by WAC 173-322-090.)~~);

(vii) Other remedial action included in the order or decree for remedial action((-), or included as part of the independent remedial action for which a no further action (NFA) determination is issued;

(viii) Capital costs of long-term monitoring systems((-); and

(ix) Operating and maintenance costs incurred during the first year of accomplishing the cleanup action after facilities and equipment have been installed or constructed.

(b) Ineligible costs:

(i) Retroactive costs except as limited by WAC 173-322-100((-);

(ii) Legal fees and penalties((-);

(iii) Oversight costs((-);

(iv) Operating and maintenance costs after the first year of accomplishing the remedial action((-);

(v) Operating and maintenance costs of long-term monitoring((-); and

(vi) ~~((Costs incurred in conducting independent remedial actions;~~

(vii)) At sites other than landfills, additional ineligible costs will include costs incurred to meet departmental requirements for source control and prevention.

(2) Costs for safe drinking water actions.

(a) Eligible costs include reasonable costs, including sales tax, incurred for:

(i) Water supply source development and replacement, including pumping and storage facilities, source meters, and reasonable appurtenances((-);

(ii) Transmission lines between major system components, including inter-ties with other water systems((-);

(iii) Treatment equipment and facilities((-);

(iv) Distribution lines from major system components to system customers or service connections((-);

(v) Fire hydrants((-);

(vi) Service meters((-);

(vii) Project inspection, engineering, and administration((-);

(viii) Other costs identified by the state department of health as necessary to provide a system that operates in compliance with federal and state standards, or by the coordinated water system plan as necessary to meet required standards((-);

(ix) Other costs identified by the department of ecology as necessary to protect a public water system from contamination from a hazardous waste site or to determine the source of such contamination((-);

(x) Individual service connections, including any fees and charges, provided that property owners substantially participate in financing the cost of such connections((-);

(xi) Drinking water well abandonment for wells identified by the department as an environmental safety or health hazard according to WAC 173-160-415((-); and

(xii) Interim financing where necessary as a prerequisite to local government issuance of revenue bonds.

(b) Ineligible costs include:

(i) Legal fees and penalties((-);

(ii) Ecology oversight costs((-);

(iii) Operating and maintenance costs((-);

(iv) Retroactive costs except as limited by WAC 173-322-100;

(v) Natural resource damage assessment; and

(vi) Costs for source control or pollution prevention activities at sites other than landfills.

(3) Costs for site hazard assessments. Eligible costs include costs for activities performed pursuant to WAC 173-340-320 and enabling local health districts or departments to participate in the department's site ranking and priority-setting process.

(4) Costs must be eligible under this section and must be approved by the department in order to be eligible for reimbursement.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-060 Application process. (1) Application period. The department shall determine appropriate application periods.

(2) Grant applications must:

(a) Include a commitment by the applicant for local funds to match grant funds according to the requirements of WAC 173-322-090.

(b) For site study and remediation projects include a scope of work which accomplishes the requirements of an order or decree.

(c) For safe drinking water action projects, include a scope of work necessary to provide safe drinking water to the area threatened or contaminated.

(d) For site hazard assessment projects, include a scope of work which conforms to the requirements of WAC 173-340-320(4).

(e) For independent remedial actions, include a description of the remedial action for which a no further action (NFA) determination was issued and include a copy of the NFA determination document.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-070 Application evaluation and prioritization. (1) When pending grant applications or anticipated demand for site study and remediation grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on ~~((criteria identified in grant guidelines, including))~~ the following:

(a) Relative hazard ranking as determined by the department in accordance with WAC 173-340-330 or the United States Environmental Protection Agency's National Priorities List ranking. Higher ranking sites will receive a higher funding priority.

(b) Evidence that the grant will expedite cleanup.

(c) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

(2) When pending grant applications or anticipated demand for safe drinking water action grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on ~~((criteria identified in grant guidelines, including))~~ the following:

(a) Relative risk to human health as jointly determined by the department of ecology, in accordance with WAC 173-340-330, and the department of health, in accordance with WAC 246-290-310. Sites with greater risk will receive higher funding priority.

(b) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

(c) Ownership of the water system to be extended or improved. Local government-owned systems will receive higher funding priority than other systems.

(d) Number of people served by the water system and per capita cost of remediation.

(3) When pending grant applications or anticipated demand for site hazard assessment grants exceed the amount of funds available, the department may prioritize applications or limit grant awards based on ~~((criteria identified in grant guidelines, including))~~ the following:

(a) Potential public health or environmental threat from the sites.

(b) Ownership of the sites. Publicly-owned sites will receive priority over privately-owned sites.

(c) Relative readiness of the applicant to proceed promptly to accomplish the scope of work.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-090 State assistance share, local cash match, economic disadvantage, and role of potentially liable persons. (1) Except as otherwise provided in this section, costs eligible for site study and remediation and safe drinking water action grants will be considered for grant funding at up to fifty percent, except ((that local governments that do not qualify as economically disadvantaged shall receive no more than five hundred thousand dollars for the minimum landfill closure requirements of chapter 173-304 WAC)) in the case of site study and remediation grants with eligible costs of over two hundred thousand dollars, local governments who utilize treatment, recycling and/or disposal as part or all of the cleanup action shall be eligible to receive an additional fifteen percent. Independent remedial action grant funds are available only for projects with eligible costs of less than two hundred thousand. The additional fifteen percent funds do not apply to independent remedial actions.

(2) Costs for site hazard assessments which are eligible under WAC 173-322-050(3) will be considered for grant funding of up to one hundred percent. ~~((No grant for site hazard assessment shall exceed two hundred thousand dollars per health district or department per biennium.))~~

(3) Costs for area-wide ground water contamination remediation grants will be considered for grant funding of more than fifty percent. Local governments shall be required to obtain partial reimbursement from PLPs. Reasonable measures shall be taken by local governments to maximize reimbursement. The amount of grant funds and how much to pay back will be determined by the department on a case-by-case basis.

(4) Grant funding for economically disadvantaged local governments.

(a) In addition to grant funding under subsection (1) of this section, economically disadvantaged local governments may apply for up to twenty-five percent supplemental funding ~~((, not to exceed seventy-five percent of eligible costs))~~. This additional funding will be contingent on satisfactory demonstration of extraordinary financial need.

(b) A local government is considered economically disadvantaged if it is a county, or a local government within a county, which meets both of the following criteria:

(i) Per capita income, as measured by the latest official estimate of the Washington state office of financial management, is in the lower twenty counties in the state; and

(ii) It is economically distressed as defined by chapter 43.165 RCW.

(c) The department will include a list of counties which are economically disadvantaged as defined herein in the guidelines for remedial action grants to be published on a biennial basis.

~~((4))~~ (5) For applicants eligible for site study and remediation grants, if a decree or order requires a potentially liable person (PLP) other than a local government to conduct reme-

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dial action, the financial contribution of that PLP will be deducted from the amount eligible for grant funding to the local government.

~~((5))~~ (6) For applicants eligible for safe drinking water action grants, funding from either the local government or the PLP may be used to match remedial action grant funds.

~~((6))~~ (7) As established by the Model Toxics Control Act, chapter 70.105D RCW, and implementing regulations, the potentially liable persons bear financial responsibility for remedial action costs. The remedial action grant program may not be used to circumvent the PLP responsibility.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-100 Fiscal controls. (1) The department will establish reasonable costs for all grants, require applicants to manage projects in a cost effective manner, and ensure that all potentially liable persons (PLPs) assume responsibility for remedial action.

(2) The department retains the authority to issue grants which reimburse the recipient for less than the maximum percentage allowable under WAC 173-322-090.

(3) Cap on site funding. Except for independent remedial actions where a no further action (NFA) determination is issued after cleanup has been completed, after the remedial investigation and feasibility study have been completed and a final remedial action plan has been developed by an eligible applicant, the department and the applicant will establish a final cleanup budget and negotiate a grant agreement. The grant amount in this agreement will be the final department remedial action grant fund commitment for cleanup at that hazardous waste site. Grant agreements may be amended, but requests to increase the remedial action grant budget at that site will receive a lower priority than other applications.

(4) Retroactive funding. Grant funding of costs already incurred prior to the date of the grant agreement may be allowed to local governments ~~((PLPs))~~ where the order or decree with the department, if any, postdates March 1, 1989, and under one or more of the following circumstances:

(a) If the grant application period is closed when the order or decree becomes effective;

(b) If the department unreasonably delays the processing of a remedial action grant application;

(c) If there are inadequate funds in the local toxics control account to cover the entire scope of work required by decree or order; and/or

(d) If remedial actions not required by decree or order have proceeded, grants for this work may be made if the department later formally includes such work items in a decree or order, or for independent remedial actions conducted no earlier than five years before the date of application if a no further action (NFA) determination is given for that independent remedial action.

(5) Reimbursement of grant funds. If the department awards remedial action funds to a local government that successfully pursues a ~~((successful settlement))~~ private right of action against a PLP who has not settled with the department or successfully pursues a claim for insurance proceeds, then the department shall be reimbursed for a proportional share

of the ~~((settlement))~~ moneys received, after the local government's legal fees in pursuing such ~~((contribution))~~ actions have been deducted.

(6) Repayment of grant funds. Where the department provides a remediation grant for area-wide ground water contamination to a local government, the grant amount shall be partially repaid to the department where ownership of property affected by the grant is held by private parties. The terms and amount of repayment will be included in the grant agreement between the local government and the department.

AMENDATORY SECTION (Amending WSR 93-24-047, filed 11/23/93, effective 12/24/93)

WAC 173-322-110 Grant administration. (1) Local governments will be periodically informed of the availability of remedial action grant funding.

(2) A grant application package will be sent to all parties expressing interest in remedial action grants and to all local governments that have been required by decree or order to perform remedial actions. Grant application packages will include grant guidelines and application forms.

(3) Application must be made within sixty days after the date that a decree or order becomes effective or for independent remedial actions, within sixty days of receipt of a no further action (NFA) determination.

(4) The department will prepare a guidance manual on a biennial basis to assist grant applicants and to facilitate compliance with this regulation.

(5) Appropriation and allocation of funds. Grants will be awarded within the limits of available funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the legislative appropriation of funds for the next biennium.

(6) Remedial action grants shall be used to supplement local government funding and funding from other sources to carry out required remedial action.

(7) The department may fund all or portions of eligible grant applications.

(8) To the extent that the Constitution and laws of the state of Washington permit, the grantee shall indemnify and hold the department harmless, from and against, any liability for any or all injuries to persons or property arising from the negligent act or omission of the grantee arising out of a grant contract.

AMENDATORY SECTION (Amending Order 89-45, filed 5/1/90, effective 6/1/90)

WAC 173-322-120 ((Grant administration.)) Loans. ~~((1)) Local governments will be periodically informed of the availability of remedial action grant funding.~~

~~((2)) A grant application package will be sent to all parties expressing interest in remedial action grants and to all local governments that have been required by decree or order to~~

perform remedial actions. Grant application packages will include grant guidelines and application forms.

(3) ~~Application must be made within sixty days after the date that a decree or order becomes effective, or within sixty days of the effective date of this rule for local governments which meet the requirements of WAC 173-322-050, but which have not submitted an application for remedial action grant funding.~~

(4) ~~The department will prepare a guidance manual on a biennial basis to assist grant applicants and to facilitate compliance with this regulation.)) The department may award a loan or combination loan and grant to a grant applicant. Loan terms and the repayment provisions of a loan shall be established on a case-by-case basis under an agreement between the local government and the department.~~

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-010 Purpose and authority. (1) The department is directed by the Model Toxics Control Act to provide grants up to ~~((fifty)) sixty~~ thousand dollars to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest groups. These grants shall be used to facilitate public participation in the investigation and remediation of a release or threatened release of a hazardous substance and to facilitate public participation in the implementation of the state's solid and hazardous waste management priorities.

(2) The purpose of this chapter is to set forth eligibility criteria and funding requirements for grant projects.

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-020 Definitions. As used in this chapter:

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or such person authorized to act for the director.

(3) "Emergency" means an occurrence warranting public participation which occurs after the deadline for grant applications and before the opening of a new grant application period, such as:

(a) An unforeseen release of a hazardous substance at an existing site or a newly discovered site;

(b) An unanticipated decision by the department concerning remedial action at a site or publication of a remedial investigation, feasibility study or risk assessment; or

(c) Discovery of a technical assistance need which could not have been foreseen before the grant application deadline.

(4) "Emergency grant" means a public participation grant in the hazardous substance release category for an emergency as defined in this section.

(5) "Expendable personal property" means all tangible personal property other than nonexpendable personal property.

~~((4)) (6) "Facility" means:~~

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, waste pile, pond, lagoon,

impoundment, ditch, landfill, tank, storage container, motor vehicle, rolling stock, vessel, or aircraft; or

(b) Any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

~~((5)) (7) "Grant applicant" means any person requesting a public participation grant.~~

~~((6)) (8) "Hazardous substance" means:~~

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6) or any dangerous or extremely hazardous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under 101(14) of the Federal Cleanup Law, 42 U.S.C. Sec. 960(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment. Except that:

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local laws.

~~((7)) (9) "Hazardous waste management priorities" as defined in RCW 70.105.150 are the priorities in the management of hazardous waste which should be followed in descending order as applicable:~~

~~(a) Waste reduction;~~

~~(b) Waste recycling;~~

~~(c) Physical, chemical, and biological treatment;~~

~~(d) Incineration;~~

~~(e) Solidification/stabilization treatment;~~

~~(f) Landfill.~~

~~((8)) (10) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of three hundred dollars or more per unit.~~

~~((9)) (11) "Not-for-profit public interest organization" means any corporation, trust, association, cooperative, or other organization which:~~

~~(a) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;~~

~~(b) Is not organized primarily for profit; and~~

~~(c) Uses its net proceeds to maintain, improve, and/or expand its operations.~~

~~((10)) (12) "Owner/operator" means(:~~

~~(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or~~

~~(b) In the case of an abandoned facility, any person who had owned, operated, or exercised control over the facility any time before its abandonment;~~

~~The term does not include:~~

~~(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through~~

bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title, unless that agency of the state or unit of local government has caused or contributed to the release or threatened release of hazardous substances from the facility; or

(ii) A person who, without participation in the management of a facility, holds identification of ownership primarily to protect the person's security interest in the facility)) any person defined as an owner or operator under RCW 70.105D.020(12).

((+1)) (13) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

((+2)) (14) "Personal property" means property of any kind except real property. It may be tangible (having physical existence) or intangible (having no physical existence), such as patents, inventions, and copyrights.

((+3)) (15) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under ((section 4 of the Model Toxics Control Act)) RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

((+4)) (16) "Real property" means land, land improvements, structures, and appurtenances thereto, excluding moveable machinery and equipment.

((+5)) (17) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

((+6)) (18) "Remedy, remediation, or remedial action" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

((+7)) (19) "Solid waste management priorities" as defined in chapter 70.95 RCW are the priorities in the management of solid waste which should be followed in order of descending priority as applicable:

- (a) Waste reduction;
- (b) Recycling with source separation of recyclable materials as the preferred method;
- (c) Energy recovery, incineration, or landfill of separated waste;
- (d) Energy recovery, incineration, or landfill of mixed waste.

AMENDATORY SECTION (Amending Order 90-20, filed 9/4/90, effective 10/5/90)

WAC 173-321-040 Applicant eligibility. (1) Public participation grants may only be awarded to groups of three or more unrelated persons or to not-for-profit public interest organizations.

(2) All applicants must demonstrate their ability to appropriately administer grant funds.

(3) Applications for a hazardous substance release grant, including emergency grants, must include information on:

(a) The nature of the release or threatened release of the hazardous substance;

(b) The location of the release or threatened release of the hazardous substance;

(c) How the applicant group may be adversely affected by the release or threatened release of the hazardous substance;

(d) How the applicant group will promote public participation in the investigation or remediation of the release or threatened release of the hazardous substance;

(e) A complete project description;

(f) How the applicant group represents the environmental, health, and economic interests of individuals affected by the release or threatened release of the hazardous substance;

(g) The applicant group's history and experience, if any, in conducting activities similar to those described in the grant application;

(h) For emergency grants, a description of why an emergency exists, as defined in WAC 173-321-020(3); and

(i) Any other information specified by the department as needed to award a grant.

(4) Applications for a waste management priorities grant must include information on:

(a) How the applicant group will promote or implement the state solid or hazardous waste management priorities;

(b) How the applicant group will promote public participation in the grant project described in the application;

(c) A complete project description;

(d) The applicant group's history and experience, if any, in conducting activities similar to those described in the grant application;

(e) Any other information specified by the department as needed to award a grant.

(5) The following persons or groups of persons shall be ineligible for grant funding:

(a) Any person potentially liable, as defined under RCW 70.105D.040;

(b) Local governments including any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county;

(c) Federal and state governments, or agencies thereof;

(d) Federally recognized Indian tribes, as a governing body. Individual tribe members of three or more persons are eligible to apply for a public participation grant;

(e) Organizations sustained by public funding;

(f) Public and private universities; and

(g) Any organization located outside of Washington state boundaries.

(6) Grant applications failing to qualify may be resubmitted.

AMENDATORY SECTION (Amending Order 90-20, filed 9/4/90, effective 10/5/90)

WAC 173-321-050 Application evaluation criteria.

(1) Except for emergency grants which will be reviewed and evaluated by the department within twenty working days of receipt of the application, all other grant applications received will be reviewed and evaluated by the department within thirty working days after the close of the regular grant application period. Incomplete applications will not be evaluated. Applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications. The department may fund all or portions of eligible grant applications.

(2) Priority consideration for public participation grant funding will be given to:

(a) Applicants requesting a hazardous substance release grant;

(b) New applicants; and

(c) Applicants that demonstrate the ability to provide accurate technical information on complex waste management issues.

(3) General criteria. All public participation grants will be evaluated against the following criteria:

(a) The type and extent of the applicant group's past history and experience conducting activities similar to those described in the grant application;

(b) The group's basic funding, with consideration given to groups with limited resources;

(c) The group's ability to appropriately manage grant funds;

(d) Except for emergency grants, if more than one group is interested in the same project, priority consideration will be given to groups who consolidate;

(e) Availability of funding sources for the project;

(f) Past performance under a public participation grant;

(g) The group's ability to define the environmental issue and identify what changes will occur in the problem as a result of the project; and

(h) Demonstration of the use of Bennett's hierarchy or similar methodology with a focus on outcome and clear commitment to follow through to end results.

(4) Special criteria.

(a) Hazardous substance release grants. Hazardous substance release grants, including emergency grants, will be evaluated against the following criteria:

(i) The degree to which the applicant group may be adversely or potentially adversely impacted by the release or threatened release of the hazardous substance, including but not limited to adverse or potential adverse impacts to surface and drinking waters, soils, flora or fauna, species diversity, air quality, property values, marketability of agricultural crops, and recreational areas;

(ii) The degree to which the applicant group represents the environmental, health, and economic interests of individual group members;

(iii) The degree to which the proposed project will promote public participation in the investigation or remediation

of the release or threatened release of the hazardous substance.

(b) Waste management priorities grants. Waste management priorities grants will be evaluated against the following criteria:

(i) The degree to which the proposed public participation activity will promote or implement the state solid or hazardous waste management priorities;

(ii) The degree to which the proposed project will facilitate public understanding of the state solid and hazardous waste management priorities;

(iii) The degree to which the proposed public participation activities are consistent with or improve upon existing solid or hazardous waste management plans.

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-060 Eligible project costs. (1) Eligible project costs for substance release grants shall include but not be limited to:

(a) Hiring technical assistants to review and interpret documents;

(b) Public involvement and public education activities;

(c) Reviewing specific plans for environmental testing and analysis, reviewing reports summarizing the results of such plans and making recommendations for modifications to such plans.

(d) Expendable personal property;

(e) Other public participation activities as determined by the department on a case-by-case basis.

(2) Eligible project costs for waste management priority grants shall include but not be limited to:

(a) Assisting in developing and implementing programs that promote or improve state or local solid or hazardous waste management plans;

(b) Assisting in developing programs or activities that promote and are consistent with the state solid or hazardous waste management priorities;

(c) Expendable personal property;

(d) Other public participation activities as determined by the department on a case-by-case basis.

(3) Ineligible projects and grant costs shall include but not be limited to:

(a) Independently collecting or analyzing samples at facility sites;

(b) Hiring attorneys for legal actions against potentially liable persons, facility owners, or the department. Applicants who receive a grant award shall notify the department if legal action is intended or taken on the subject of the grant project or application;

(c) Legislative lobbying activities;

(d) Real property;

(e) Nonexpendable personal property.

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-070 Grant funding. (1) The department may fund up to one hundred percent of eligible project costs.

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(2) The maximum grant allowance shall be ~~((fifty))~~ sixty thousand dollars.

(3) Public participation grants may be renewed annually. A new grant application must be submitted ~~((each year))~~ to be evaluated and ranked for additional funding.

(4) The department reserves the right to refuse funding to any and all applications failing to meet the grant eligibility criteria and may reopen the application period for additional applications.

AMENDATORY SECTION (Amending Order 89-26, filed 10/17/89, effective 11/17/89)

WAC 173-321-080 Grant administration. (1) The department shall establish grant application funding cycles each year.

(2) Public notice of application funding cycles shall be published state-wide.

(3) A grant application package will be sent to all persons interested in applying for public participation grants. Grant application packages will include notice of grant application deadlines, grant guidelines, and application forms.

(4) Grant applications will be evaluated by the department. To be funded, applications must include all required elements as outlined in the guidelines.

(5) The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation, and such other conditions not reasonably foreseeable which may preclude awarding such grants.

(6) The department, on at least a biennial basis, will determine the amount of funding available for public participation grants and establish an application and funding cycle. The minimum amount of money available for public participation grants established by the Model Toxics Control Act shall be one percent of the moneys deposited into the state and the local toxics control accounts.

(7) The department shall not be held responsible for payment of salaries, consultant fees, or other costs related to a contract of the grantee.

(8) To the extent that the Constitution and laws of the state of Washington permit, the grantee shall indemnify and hold the department harmless, from and against, any liability for any or all injuries to persons or property arising from the negligent act or omission of the grantee arising out of a grant contract.

(9) All grants under this chapter shall be consistent with ~~((the provisions of "Financial Guidelines for Grant Management" WDOE 80-6, May 1980, Reprinted March 1982, or such subsequent guidelines))~~ "Administrative Requirements for Ecology Grants and Loans" WDOE publication No. 91-18, revised July 1995.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-100 Purpose. This chapter is promulgated under the Model Toxics Control Act. It establishes administrative processes and standards to identify, investigate, and clean up facilities where hazardous substances have

come to be located. It defines the role of the department and encourages public involvement in decision making at these facilities.

The goal of this chapter is to implement the policy declared by chapter 70.105D RCW. This chapter provides a workable process to accomplish effective and expeditious cleanups in a manner that protects human health and the environment. This chapter is primarily intended to address releases of hazardous substances caused by past activities although its provisions may be applied to potential and ongoing releases of hazardous substances from current activities.

Note: All materials incorporated by reference in this chapter are available for inspection at the Department of Ecology's Toxics Cleanup Program, 300 Desmond Drive, Lacey, Washington, 98503.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-120 Overview. (1) Purpose. This section provides an overview of the cleanup process that typically will occur at a site where a release of a hazardous substance has been discovered with an emphasis on sites being cleaned up under order or consent decree. If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

(2) Site discovery. Site discovery includes:

(a) Release reporting. ~~((A reporting program is established to help identify potential hazardous waste sites.))~~ An owner((s and)) or operator((s)) who knows or discovers a release of a hazardous substance due to past activities must report the release to the department ((within ninety days of discovery, under)) as described in WAC 173-340-300. Most current releases of hazardous substances must be reported to the department under the state's hazardous waste, underground storage tank, or water quality laws. The term "hazardous substance" includes a broad range of substances as defined by chapter 70.105D RCW.

(b) Initial investigation. Within ninety days of learning of a hazardous substance release, the department will conduct an initial investigation of the site under WAC 173-340-310. For sites that may need further remedial action, the department will send an early notice letter ((will be sent)) to the owner ((and)), operator, and other potentially liable persons known to the department, informing them of the department's decision.

(3) Site priorities. ~~((Priorities))~~ Sites are prioritized for further remedial action ((are set)) by the following process:

(a) Site hazard assessment. Based on the results of the initial investigation, a site hazard assessment will be performed if necessary, ~~((under))~~ as described in WAC 173-340-320. The purpose of the site hazard assessment is to gather information to confirm whether a release has occurred and to enable the department to evaluate the relative potential hazard posed by the release. If the department decides that no further action is required, it will notify the public of that decision through the Site Register.

(b) Hazardous sites list. The department will maintain a list of sites ~~((that require))~~ known as the "hazardous sites list"

where further remedial action is required. ~~((Sites will be listed))~~ The department will add sites to this list after the completion of a site hazard assessment. Sites placed on the list will be ranked using the department's hazard ranking method. The department ~~((may))~~ will remove a site from the hazardous sites list if the ~~((cleanup action at the site has achieved the cleanup standards and all remedial actions except confirmational monitoring have been completed. See))~~ site meets the requirements for removal described in WAC 173-340-330.

(c) Biennial program report. Every even-numbered year, the department will prepare a biennial program report for the legislature. The hazard ranking, along with other factors, will be used in this report to identify the projects and expenditures recommended for appropriation. See WAC 173-340-340.

(4) Detailed site investigations and cleanup decisions. The following steps will be taken to ensure that the proper method of cleanup is chosen for the site.

(a) Remedial investigation ~~((and feasibility study))~~. A ~~((state))~~ remedial investigation ~~((/feasibility study))~~ will be performed at ranked sites under WAC 173-340-350. The ~~((state))~~ purpose of the remedial investigation ~~((/feasibility study))~~ is to collect data and information necessary to define ~~((s))~~ the extent of ~~((the problems at the site and evaluates alternative cleanup actions))~~ contamination and to characterize the site.

(b) ~~((Selection of cleanup action.))~~ Feasibility study. A feasibility study will be conducted at ranked sites under WAC 173-340-350. The purpose of the feasibility study is to develop and evaluate alternative cleanup actions. The department will evaluate the remedial investigation/feasibility study, establish cleanup levels and the point or points at which they must be complied with in accordance with the procedures provided for in WAC 173-340-700 through 173-340-760 and select a cleanup action that ~~((will))~~ protects human health and the environment and ~~((meet the other))~~ is based on the remedy selection criteria and requirements ~~((ef))~~ in WAC ~~((173-340-360))~~ 173-340-350 through 173-340-390. ~~((At some sites, restrictions on the use of the land and resources.))~~ WAC 173-340-440 sets forth the circumstances in which institutional controls ~~((+))~~ will be required to ~~((insure))~~ ensure continued protection of human health and the environment. ~~((See WAC 173-340-440.))~~

(c) Cleanup action plan. The cleanup action will be set forth in a draft cleanup action plan that addresses cleanup requirements for hazardous substances at the site. After public comment on the draft plan, a final cleanup action plan will be issued by the department. ~~((See WAC 173-340-700 for additional overview discussion of these requirements.))~~

(5) Site cleanup. Once the appropriate cleanup action has been selected for the site, the actual cleanup will be performed.

(a) Cleanup actions. WAC 173-340-400 describes the design and construction requirements for implementing the cleanup action plan.

(b) Compliance monitoring and review. The cleanup action must include compliance monitoring under WAC 173-340-410 and in some cases periodic review under WAC 173-340-420 to ensure the long-term effectiveness of the cleanup action.

(6) Interim actions. Under certain conditions it may be appropriate to take early actions at a site ~~((prior to))~~ before completing the process described in subsections (2) through (5) of this section. WAC 173-340-430 describes when it is appropriate to take these early or interim actions and the requirements for such actions.

(7) Leaking underground storage tanks. Underground storage tank (UST) owners and underground storage tank operators regulated under chapter 90.76 RCW are required to perform specific actions in addition to what other site owners and operators would do under this chapter. ~~((Such additional actions include reporting of a confirmed release within twenty-four hours, follow-up investigation, free product removal and immediate assessment of the threat to human health and the environment at the site. A written report describing the site and the actions taken must be submitted within ninety days of release confirmation. Depending on the results of these actions, additional remedial actions may be required.))~~ WAC 173-340-450 describes ~~((these and other))~~ the requirements for leaking underground storage tanks.

(8) Procedures for conducting remedial actions.

(a) Remedial action agreements. The department has authority to take remedial actions or to order persons to conduct remedial actions under WAC 173-340-510 and 173-340-540. However, the department encourages agreements for investigations and cleanups in appropriate cases. These agreements can be agreed orders or consent degrees reached under the procedures of WAC 173-340-520 and 173-340-530.

(b) Independent remedial actions. Persons may ~~((decide to perform))~~ conduct investigations and cleanups without department approval under this chapter. The department will use the appropriate requirements ~~((contained herein in its evaluation of))~~ in this chapter when evaluating the adequacy of any independent remedial action ~~((s performed))~~. Except as limited by WAC 173-340-515(2), nothing in this chapter prohibits persons from ~~((performing))~~ conducting such actions before the department is ready to act at the site; however, all interim and cleanup actions must be reported to the department under WAC ~~((173-340-300))~~ 173-340-515. Furthermore, independent remedial actions are ~~((done))~~ conducted at the potentially liable person's own risk and the department may take or require additional remedial actions at these sites at any time. (See WAC ~~((173-340-510))~~ 173-340-515 and 173-340-545.)

~~((e))~~ (9) Public participation. At sites where the department is conducting the cleanup or overseeing the cleanup under an order or decree, the public will receive notice and an opportunity to comment on most of the steps in the cleanup process. At many sites, a public participation plan will be prepared to provide opportunities for more extensive public involvement in the cleanup process.

These and other requirements are described in WAC 173-340-600.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-130 Administrative principles. (1) Introduction. The department shall conduct or require reme-

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dial actions consistent with the provisions of this section (~~(as typically defined by the subsequent sections)~~).

(2) Information sharing. It is the policy of the department to make ~~((available))~~ information about releases or threatened releases ~~((with property))~~ available to owners, operators or other persons with potential liability for a site in order to encourage them to conduct prompt remedial action. It is also the policy of the department to make the same information available to interested members of the general public so they can follow the progress of site cleanup in the state.

(3) Information exchange.

~~((a) Technical assistance.))~~ All persons are encouraged to contact the department and seek assistance on the general administrative and technical requirements of this chapter. Through its technical consultation program described in WAC 173-340-515, the department may also provide informal advice and assistance to ((potentially liable)) persons conducting or proposing remedial actions at a specific site at any time ((during the development of a remedial action)). Unless the department is providing formal guidance for the implementation of an order or decree, any comments by the department or its agents are advisory and not commitments or approvals binding on the department. A person may not represent this advice as an approval of a remedial action. If the person requesting the advice is seeking binding commitments or approvals, then an order or consent decree shall be used. ~~((The department advises persons requiring site-specific legal or technical assistance to hire an attorney or engineering consultant with the appropriate environmental expertise.~~

(b) Response to requests. If the department believes that responding to a request for technical assistance would involve substantial time or resources or would not be in the public interest, the department may decline to provide the requested assistance. The department shall inform the requester of its response. The department may require one or more of the following before devoting time to the request:

- (i) A proposed schedule;
- (ii) Payment, in advance, for its costs in responding to the request;
- (iii) Other assurances that the requester is serious about carrying out the provisions of this chapter; or
- (iv) Other information.)

(4) Scope of public participation. The department seeks to encourage public participation in all steps of the cleanup process. The department shall encourage a level of participation appropriate to the conditions at a facility and the level of the public's interest in the site.

(5) Scope of information. It is the department's intention that adequate information ~~((with))~~ be gathered at a site to enable decisions on appropriate actions. It is also the department's intention that decisions be made and cleanups proceed expeditiously once adequate information is obtained. Studies can be performed and submittals made at varying levels of detail appropriate to the conditions at the site. ~~((For example, the department might decide that a study of a small site with minimal ground water impacts need not include as detailed an analysis of the ground water flow system as for a study of a geologically more complex site.))~~ Also, steps in the cleanup process may be combined to facilitate quicker cleanups, where appropriate. Flexibility in the scope of investigations

and in combining steps may be particularly appropriate for routine cleanup actions. Once ~~((the department has))~~ adequate information ~~((it will make cleanup))~~ has been obtained, decisions shall be made within the framework provided in this chapter and in site-specific orders or decrees.

(6) ~~((Combining steps. Several steps in the cleanup process may be combined into fewer steps, when appropriate. For example, the department and a potentially liable person may agree that conditions at a site are such that the remedial investigation/feasibility study and remedial design and implementation steps could be combined into a single step.~~

(7) Routine cleanup actions. Flexibility in the scope of investigations and in combining steps may be particularly appropriate for routine cleanup actions. For example, the department may decide to approve a routine cleanup action based upon a single investigation that includes a site hazard assessment and a simplified state remedial investigation/feasibility study and engineering design plan.

(a) A cleanup action may be considered routine if the following criteria are met:

- (i) It involves an obvious and limited choice among cleanup methods;
- (ii) It uses a cleanup method that is reliable and has proven capable of accomplishing cleanup standards;
- (iii) Cleanup standards for each hazardous substance addressed by the cleanup are obvious and undisputed, and allow an adequate margin of safety for protection of human health and the environment;
- (iv) The department has experience with similar actions; and
- (v) The action does not require an environmental impact statement.

(b) Routine cleanup actions consist of or are comparable to one or more of the following remedial actions:

- (i) Cleanup of above-ground structures;
 - (ii) Cleanup of below-ground structures;
 - (iii) Cleanup of contaminated soils where the action would restore the site to cleanup levels; or
 - (iv) Cleanup of solid wastes, including containers.
- (e) Cleanup of ground water will not normally be considered a routine cleanup action.

(d) A routine cleanup action may be conducted under any of the procedures described in WAC 173-340-510. However, the department will attempt to ensure that all routine cleanup action decisions are consistent with this chapter.

(8) Preparation of documents. Except for the initial investigation, any of the studies, reports, or plans used in the cleanup process can be prepared by either the department or the potentially liable person. The department retains all authority to review and verify the documents submitted and to make decisions based on the documents and other relevant information.

~~((9))~~ (7) Inter-agency coordination.

(a) If the department is conducting remedial actions or requiring remedial actions under an order or decree, the department shall ensure appropriate local, state, and federal agencies and tribal ((organizations)) governments are kept informed and, as appropriate, involved in the development and implementation of remedial actions. The department may require a potentially liable person to undertake this responsi-

bility. If the potentially liable person demonstrates that they are unable to obtain adequate involvement to allow the remedial action to proceed by a particular government agency or tribe, the department shall request the involvement of the agency or tribe.

(b) The nature and degree of coordination and consultation shall be commensurate with the other agencies and tribes interests and needs at the site. Interested agencies and tribes shall also be included in the mailing list for public notices under WAC 173-340-600. To facilitate coordination, it is important ~~((for the))~~ that agencies and tribes ~~((to))~~ provide specific comments, including the identification of additional information needed or mitigating measures that are necessary or desirable to satisfy their concerns.

(c) In order to provide for expeditious cleanup actions, all federal, state, ~~((and))~~ local agencies, and tribes are encouraged to coordinate when providing notices, holding meetings and hearings, and preparing documents. Whenever reasonable, the department shall coordinate and combine its activities with other agencies and tribes to minimize the duplication of notices, hearings and preparation of documents, unless otherwise prohibited.

~~((+0))~~ (8) State Environmental Policy Act. See chapter 197-11 WAC for the State Environmental Policy Act requirements pertaining to the implementation of the Model Toxics Control Act.

(9) Appeals. Unless otherwise indicated all department decisions made under this chapter are remedial decisions and may be appealed only as provided for in RCW 70.105D.060.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-140 Deadlines. (1) Purpose. It is the department's intent to move sites through the cleanup process as expeditiously as possible. However, the department is limited by the amount of personnel and funds it can expend in any given fiscal year. This section is intended to establish reasonable deadlines for remedying releases within these constraints. The ~~((procedure))~~ department's process for ranking and setting site priorities is described in WAC 173-340-330 and 173-340-340, respectively.

(2) Initial investigation. Within ninety days of learning of a release or threatened release of a hazardous substance, the department shall complete an initial investigation under WAC 173-340-310.

(3) Further investigation. At least twice a year, the department ~~((with))~~ shall determine which sites with completed initial investigations are a high priority for further investigation. At that time, the department ~~((with))~~ shall schedule high priority sites for further investigations to ~~((commence))~~ begin within six months. This determination will be based on the best professional judgment of ~~((department))~~ departmental staff. Sites may be scheduled for further investigation at any time if the department determines that the site warrants expedited action.

(4) Site assessment and ranking. For high priority sites, the department shall complete the site hazard assessment and hazard ranking ~~((on high priority sites))~~ within one hundred eighty days of the scheduled start date. These sites ~~((with))~~

shall be identified in the department's Site Register. Sites not designated as a high priority ~~((with))~~ shall be scheduled for future investigations and listed in the biennial report to the legislature (WAC 173-340-340). The department ~~((with))~~ shall conduct at least thirty-five site hazard assessments each fiscal year until the number of sites needing site hazard assessments are reduced below this number.

(5) Site investigation. Within thirty days of ranking, the department shall designate which sites are a high priority for a ~~((state))~~ remedial investigation/feasibility study and which sites are a lower priority where further action can be delayed. The department shall review these lower priority sites and provide an opportunity for public comment as part of the biennial report to the legislature (WAC 173-340-340).

(6) Remedial investigation/feasibility study. For all sites designated as a high priority, the ~~((state))~~ remedial investigation/feasibility study shall be completed under WAC 173-340-350 within eighteen months of signing the order or decree. The department may extend the deadline up to twelve months if the circumstances at the site merit a longer time frame. The department shall provide the public an opportunity to comment on any extension. The department shall initiate a ~~((state))~~ remedial investigation/feasibility study on at least ten sites per fiscal year.

(7) Cleanup action. The department shall select the cleanup action under WAC 173-340-360 and file a consent decree or issue an order for cleanup action for all designated high priority sites within six months of the completion of the ~~((state))~~ remedial investigation/feasibility study. The department may extend the deadline for up to four months for consent decree and order discussions. The department shall provide the public with an opportunity to comment on any deadline extension.

(8) Site schedules. The department ~~((with))~~ shall publish site schedules for designated high priority sites in the Site Register ~~((under))~~ according to WAC 173-340-600(6).

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-200 Definitions. For the purpose of this chapter, the following definitions ~~((shall))~~ apply:

~~("Act" means the same as the "Model Toxics Control Act" and "chapter 70.105D RCW.")~~

"Acute toxicity" means the ability of a hazardous substance to cause injury or death to an organism as a result of a short-term exposure to a hazardous substance.

"Agreed order" means an order issued by the department under WAC 173-340-530 with which the potentially liable person receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D-.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070 (2)(d)(xi).

"Aliphatic hydrocarbons" or "aliphatics" means organic compounds that are characterized by a straight, branched, or

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cyclic (nonbenzene ring) arrangement of carbon atoms. See also "aromatic hydrocarbons."

"All practicable methods of treatment" means all technologies and/or methods currently available and demonstrated to work under similar site circumstances or through pilot studies, and applicable to the site at reasonable cost. These include "all known available and reasonable methods of treatment" (AKART) for discharges or potential discharges to waters of the state, and "best available control technologies" for releases of hazardous substances into the air resulting from cleanup actions.

"Applicable state and federal laws" means all legally applicable requirements and those requirements that the department determines, based on the criteria in WAC 173-340-710(3), are relevant and appropriate requirements.

"Area background" means the concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

"Aromatic hydrocarbons" or "aromatics" means organic compounds that are characterized by one or more benzene rings, with or without aliphatic hydrocarbon substitutions of hydrogen atoms on the rings. See also "aliphatic hydrocarbons."

"Bioconcentration factor" means the ratio of the concentration of a hazardous substance in the tissue of an aquatic organism divided by the hazardous substance concentration in the ambient water in which the organism resides.

"Carcinogen" means any substance or agent that produces or tends to produce cancer in humans. For implementation of this chapter, the term carcinogen (~~(will apply)~~) applies to substances on the United States Environmental Protection Agency lists of A (known human) and B (probable human) carcinogens, and any substance (~~(which)~~) that causes a significant increased incidence of benign or malignant tumors in a single, well conducted animal bioassay, consistent with the weight of evidence approach specified in the United States Environmental Protection Agency's Guidelines for Carcinogen Risk Assessment as set forth in 51 FR 33992 et seq. (~~(as presently published or as subsequently amended or republished.)~~)

"Carcinogenic potency factor" or "CPF" means the upper 95th percentile confidence limit of the slope of the dose-response curve and is expressed in units of (mg/kg-day)⁻¹. When derived from human epidemiological data, the carcinogenic potency factor may be a maximum likelihood estimate.

"Chronic reference dose" means an estimate (with an uncertainty spanning an order of magnitude or more) of a daily exposure level for the human population, including sensitive subpopulations, that is likely to be without an appreciable risk of adverse effects during a lifetime.

"Chronic toxicity" means the ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

"Cleanup" means the implementation of a cleanup action or interim action.

"Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or

remove a hazardous substance that complies with WAC ((173-340-360)) 173-340-350 through 173-340-390.

"Cleanup action alternative" means one or more treatment technology, containment action, removal action, engineered control, institutional control or other type of remedial action ("cleanup action components") that, individually or in combination, achieves a cleanup action at a site.

"Cleanup action plan" means the document prepared by the department under WAC ((173-340-360 which)) 173-340-380 that selects the cleanup action and specifies cleanup standards and other requirements for the cleanup action.

"Cleanup level" means the concentration of a hazardous substance in soil, water, air, or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

~~("Cleanup process" means the process for identifying, investigating, and cleaning up hazardous waste sites under chapter 70.105D RCW.)~~

"Cleanup standards" means the standards (~~(promulgated)~~) adopted under RCW 70.105D.030 (2)(d). Establishing cleanup standards requires specification of the following:

Hazardous substance concentrations that protect human health and the environment ("cleanup levels");

The location on the site where those cleanup levels must be attained ("points of compliance"); and

Additional regulatory requirements that apply to a cleanup action because of the type of action and/or the location of the site. These requirements are specified in applicable state and federal laws and are generally established (~~(following)~~) in conjunction with the selection of a specific cleanup action.

~~("Closure site assessment" means a site assessment required for closure of an underground storage tank pursuant to rules adopted under chapter 90.76 RCW.)~~ "Cohen's method" means the maximum likelihood estimate of the mean and standard deviation accounting for data below the method detection limit or practical quantitation limit using the method described in the following publications:

• Cohen, A.C., 1959. "Simplified estimators for the normal distribution when samples are singly censored or truncated." *Technometrics*. Volume 1, pages 217-237.

• Cohen, A.C., 1961. "Tables for maximum likelihood estimates: Singly truncated and singly censored samples." *Technometrics*. Volume 3, pages 535-541.

"Compliance monitoring" means a remedial action that consists of monitoring as described in WAC 173-340-410.

"Conceptual site model" means a conceptual understanding of a site that identifies potential or suspected sources of hazardous substances, types and concentrations of hazardous substances, potentially contaminated media, and actual and potential exposure pathways and receptors. This model is typically initially developed during the scoping of the remedial investigation and further refined as additional information is collected on the site. It is a tool used to assist in making decisions at a site.

"Conducting land use planning under chapter 36.70A RCW" as used in the definition of "industrial properties," means having adopted a comprehensive plan and development regulations for the site under chapter 36.70A RCW.

"Containment" means a container, vessel, barrier, or structure, whether natural or constructed, ~~((which))~~ that confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

"Contaminant" means any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

"Curie" means the measure of radioactivity defined as that quantity of radioactive material which decays at the rate of 3.70×10^{10} transformations per second. This decay rate is nearly equivalent to that exhibited by 1 gram of radium in equilibrium with its disintegration products.

"Day" means calendar day; however, any document due on the weekend or a holiday may be submitted on the first working day after the weekend or holiday.

"Decree" means consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

"Degradation by-products" or "decomposition by-products" means the secondary product of biological or chemical processes that break down chemicals into other chemicals. The decomposition by-products may be more or less toxic than the parent compound.

"Department" means the department of ecology.

"Developmental reference dose" means an estimate (with an uncertainty of an order of magnitude or more) of an exposure level for the human population, including sensitive subgroups, that is likely to be without an appreciable risk of developmental effects.

"Direct contact" means exposure to hazardous substances through ingestion and/or dermal contact.

"Director" means the director of ecology or the director's designee.

"Drinking water fraction" means the fraction of drinking water that is obtained or has the potential to be obtained from the site.

"Engineered controls" means treatment and containment. For examples of engineered controls see WAC 173-340-440.

"Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.

"Equivalent carbon number" or "EC" means a value assigned to a fraction of a petroleum mixture, empirically derived from the boiling point of the fraction normalized to the boiling point of n-alkanes or the retention time of n-alkanes in a boiling point gas chromatography column.

"Exposure" means subjection of an organism to the action, influence, or effect of a hazardous substance (chemical agent) or physical agent. ~~((Exposure is quantified as the amount of the agent available at the exchange boundaries (e.g., skin, lungs, gut) and available for absorption.))~~

"Exposure parameters" means those parameters used to derive an estimate of the exposure to a hazardous substance.

"Exposure pathway" means the path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the

potential to be exposed to hazardous substances at or originating from a site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the exposure point differs from the source of the hazardous substance, the exposure pathway also includes a transport/exposure medium.

~~"Facility" means ((any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.)) the same as "site."~~

"Federal cleanup law" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9601 et seq. ~~((as presently promulgated or as subsequently amended or repromulgated.))~~

"Fish diet fraction" means the percentage of the total fish or shellfish in an individual's diet that is obtained or has the potential to be obtained from the site.

"Food crop" means any domestic plant ~~((which))~~ that is produced for the purpose of, or may be used in whole or in part for, consumption by people or livestock. This shall include nursery, root, or seedstock to be used for the production of food crops.

"Free product" means a hazardous substance that is present as a nonaqueous phase liquid (that is, liquid not dissolved in water). The term includes both light and dense nonaqueous phase liquid.

"Gastrointestinal absorption fraction" means the fraction of a substance transported across the gastrointestinal lining and taken up systemically into the body.

"Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water.

"Hazard index" means the sum of two or more hazard quotients for multiple hazardous substances and/or multiple exposure pathways.

"Hazardous sites list" means the list of hazardous waste sites maintained under WAC 173-340-330.

"Hazardous substance" means any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW; any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14); petroleum or petroleum products; and any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

"Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

"Hazard quotient" or "HQ" means the ratio of the dose of a single hazardous substance over a specified time period to a reference dose for that hazardous substance derived for a similar exposure period.

"Health effects assessment summary tables" or "HEAST" means a data base developed by the United States Environmental Protection Agency that provides a summary of information on the toxicity of hazardous substances.

"Henry's law constant" means the ratio of a hazardous substance's concentration in the air to its concentration in water. Henry's law constant can vary significantly with temperature for some hazardous substances. The dimensionless form of this constant is used in the default equations in this chapter.

"Highest beneficial use" means the beneficial use of a resource generally requiring the highest quality in the resource. For example, for many hazardous substances, providing protection for the beneficial use of drinking water will generally also provide protection for a great variety of other existing and future beneficial uses of ground water.

"Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order, agreed order, or consent decree.

"Indicator hazardous substances" means the subset of hazardous substances present at a site selected under WAC 173-340-708 for monitoring and analysis during any phase of remedial action for the purpose of characterizing the site or establishing cleanup requirements for that site.

"Industrial properties" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

- Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW (Growth Management Act); or
- For counties not planning under chapter 36.70A RCW (Growth Management Act) and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.

See WAC 173-340-745 for additional criteria to determine if a land use not specifically listed in this definition would meet the requirement of "traditional industrial use" and for evaluating if a land use zoning category meets the requirement of being "zoned for industrial use."

"Inhalation correction factor" means a multiplier that is used to adjust exposure estimates based on ingestion of drinking water to take into account exposure to hazardous substances (~~(which)~~ that are volatilized and inhaled during use of the water.

"Initial investigation" means a remedial action that consists of an investigation under WAC 173-340-310 (~~(to deter-~~

~~mine that a release or threatened release may have occurred that warrants further action under this chapter)).~~

"Institutional controls" means ((a)) measures undertaken to limit or prohibit activities that may interfere with the integrity of an interim action or a cleanup action or result in exposure to hazardous substances at the site. For examples of institutional controls see WAC 173-340-440(1).

"Integrated risk information system" or "IRIS" means a data base developed by the United States Environmental Protection Agency (~~(which)~~ that provides a summary of information on hazard identification and dose-response assessment for specific hazardous substances.

"Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

"Interspecies scaling factor" means the conversion factor used to take into account differences between animals and humans.

"Land's method" means the method for calculating an upper confidence limit for the mean of a lognormal distribution, described in the following publications:

• Land, C.E., 1971. "Confidence intervals for linear functions of the normal mean and variance." *Annals of Mathematics and Statistics*. Volume 42, pages 1187-1205.

• Land, C.E., 1975. "Tables of confidence limits for linear functions of the normal mean and variance." In: *Selected Tables in Mathematical Statistics*. Volume III, pages 385-419. American Mathematical Society, Providence, Rhode Island.

"Legally applicable requirements" means those cleanup standards, standards of control, and other human health and environmental protection requirements, criteria, or limitations (~~(promulgated)~~ adopted under state or federal law that specifically address a hazardous substance, cleanup action, location, or other circumstances at the site.

"Lowest observed adverse effect level" or "LOAEL" means the lowest concentration of a hazardous substance at which there is a statistically or biologically significant increase in the frequency or severity of an adverse effect between a population and a control group.

"Mail" means delivery through the United States Postal Service or an equivalent method of delivery or transmittal, including private mail carriers, or personal delivery.

"Maximum contaminant level" or "MCL" means the maximum concentration of a contaminant established by either the Washington state board of health or the United States Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in chapter 248-54 WAC or 40 C.F.R. 141 (~~(as presently promulgated or subsequently amended or repromulgated)~~).

"Maximum contaminant level goal" or "MCLG" means the maximum concentration of a contaminant established by either the Washington state board of health or the United States Environmental Protection Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in chapter 248-54 WAC or 40 C.F.R. 141 (~~(as presently promulgated or subsequently amended or repromul-~~

gated;)) for which no known or anticipated adverse effects on human health occur, including an adequate margin of safety.

"Method detection limit" or "MDL" means the minimum concentration of a compound that can be measured and reported with ninety-nine percent (99%) confidence that the value is greater than zero.

"Millirem" or "mrem" means the measure of the dose of any radiation to body tissue in terms of its estimated biological effect relative to a dose received from an exposure to one roentgen (R) of x-rays. One millirem equals 0.001 rem.

"Mixed funding" means any funding provided to potentially liable persons from the state toxics control account under WAC 173-340-560.

"Model Toxics Control Act" or "act" means ~~((the act approved by the voters at the November 1988 general election, also known as Initiative 97-))~~ chapter 70.105D RCW(~~(3)~~), first passed by the voters in the November 1988 general election as Initiative 97 and as since amended by the legislature.

"Natural attenuation" means a variety of physical, chemical or biological processes that, under favorable conditions, act without human intervention to reduce the mass, toxicity, mobility, volume, or concentration of hazardous substances in the environment. These in situ processes include: Natural biodegradation; dispersion; dilution; sorption; volatilization; and, chemical or biological stabilization, transformation, or destruction of hazardous substances. Natural attenuation is not an active remedial measure.

"Natural background" means the concentration of hazardous substance consistently present in the environment ~~((which)) that~~ has not been influenced by localized human activities. For example, several metals and radionuclides naturally occur in the bedrock, sediments, and soils of Washington state due solely to the geologic processes that formed these materials and the concentration of these ~~((metals)) hazardous substances~~ would be considered natural background. Also, low concentrations of some particularly persistent organic compounds such as polychlorinated biphenyls (PCBs) can be found in surficial soils and sediment throughout much of the state due to global ~~((use)) distribution~~ of these hazardous substances. These low concentrations would be considered natural background. Similarly, concentrations of various radionuclides ~~((which)) that~~ are present at low concentrations throughout the state due to global distribution of fallout from bomb testing and nuclear accidents would be considered natural background.

"Natural biodegradation" means in-situ biological processes such as aerobic respiration, anaerobic respiration, and co-metabolism, that occur without human intervention and that break down hazardous substances into other compounds or elements. The process is typically a multiple step process and may or may not result in organic compounds being completely broken down or mineralized to carbon dioxide and water.

"Natural person" means any unincorporated individual or group of individuals. The term "individual" is synonymous with "natural person."

"Nonaqueous phase liquid" or "NAPL" means the same as "free product."

"No observed adverse effect level" or "NOAEL" means the exposure level at which there are no statistically or biologically significant increases in frequency or severity of adverse effects between the exposed population and its appropriate control; some effects may be produced at this level, but they are not considered to be adverse, nor precursors to specific adverse effects.

"Nonpotable" means not a current or potential source of drinking water. See WAC 173-340-720 and 173-340-730 for criteria for determining if ground water or surface water is a current or potential source of drinking water.

"Null hypothesis" means an assumption about hazardous substance concentrations at a site when evaluating compliance with cleanup levels established under this chapter. The null hypothesis is that the site is contaminated at concentrations ~~((which)) that~~ exceed cleanup levels. This shall not apply to cleanup levels based on background concentrations where other appropriate statistical methods supported by a power analysis would be more appropriate to use.

"Order" means an enforcement order issued under WAC 173-340-540 or an agreed order issued under WAC 173-340-530.

"Owner or operator" means any person ~~((with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment. The term does not include:~~

~~An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or~~

~~A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility)) that meets the definition of this term in RCW 70.105D.020(12).~~

"PAHs (carcinogenic)" or "cPAHs" means those polycyclic aromatic hydrocarbons substances, PAHs ((substances)), identified as A (known human) or B (probable human) carcinogens by the United States Environmental Protection Agency. These include benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene.

"Permanent solution" or "permanent cleanup action" means a cleanup action in which cleanup standards of WAC 173-340-700 through 173-340-760 can be met without further action being required at the site being cleaned up or any other site involved with the cleanup action, other than the approved disposal of any residue from the treatment of hazardous substances.

"Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

"Picocurie" or "pCi" means 10⁻¹² curie.

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"Point of compliance" means the point or points where cleanup levels established in accordance with WAC 173-340-720 through 173-340-760 shall be attained. This term includes both standard and conditional points of compliance. A conditional point of compliance is only available for ground water (see WAC 173-340-720(8)) and for soil based on ecological considerations (see WAC 173-340-740 (6)(e) and 173-340-7490(4)).

"Polychlorinated biphenyls" or "PCB mixtures" means those aromatic compounds containing two benzene nuclei with two or more substituted chlorine atoms. For the purposes of this chapter, PCB includes those congeners which are identified using the appropriate analytical methods as specified in WAC 173-340-830.

"Polycyclic aromatic hydrocarbons" or "PAH" means those hydrocarbon molecules composed of two or more fused benzene rings. For the purpose of this chapter, PAH includes those compounds which are identified and quantified using the appropriate analytical methods as specified in WAC 173-340-830. The specific compounds generally included are acenaphthene, acenaphthylene, fluorene, naphthalene, anthracene, fluoranthene, phenanthrene, benzo[a]anthracene, benzo[b]fluoranthene, benzo[k]fluoranthene, pyrene, chrysene, benzo[a]pyrene, dibenzo[a,h]anthracene, indeno[1,2,3-cd]pyrene, and benzo[ghi]perylene.

"Potentially liable person" means any person (~~whom~~) who the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

"Practicable" means (~~except when used in the phrase "permanent to the maximum extent practicable" which is defined in WAC 173-340-360(5))~~) capable of being designed, constructed and implemented in a reliable and effective manner including consideration of cost. When considering cost under this analysis, an alternative shall not be considered practicable if the incremental costs of the alternative (~~is substantial and~~) are disproportionate to the incremental degree of (~~protection~~) benefits provided by the alternative over other lower cost alternatives.

"Practical quantitation limit" or "PQL" means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions, using department approved methods.

"Probabilistic risk assessment" means a mathematical technique for assessing the variability and uncertainty in risk calculations. This is done by using distributions for model input parameters, rather than point values, where sufficient data exists to justify the distribution. These distributions are then used to compute various simulations using tools such as Monte Carlo analysis to examine the probability that a given outcome will result (such as a level of risk being exceeded). When using probabilistic techniques under this chapter for human health risk assessment, distributions shall not be used to represent dose response relationships (reference dose, reference concentration, cancer potency factor).

"Public notice" means, at a minimum, adequate notice mailed to all persons who have made a timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in

the city or county of the proposed action; and opportunity for interested persons to comment.

"Public participation plan" means a plan prepared under WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

"Rad" means that quantity of ionizing radiation that results in the absorption of 100 ergs of energy per gram of irradiated material, regardless of the source of radiation.

"Radionuclide" means a type of atom (~~which~~) that spontaneously undergoes radioactive decay. Radionuclides are hazardous substances under the act.

~~("Recovery by products" means any hazardous substance, water, sludge or other materials collected in the free product removal process in response to a release from an underground storage tank.)~~

"Reasonable maximum exposure" means the highest exposure that can be reasonably expected to occur for a human or other living organisms at a site under current and potential future site use.

"Reference dose" or "RFD" means a benchmark dose, derived from the NOAEL or LOAEL for a hazardous substance by consistent application of uncertainty factors used to estimate acceptable daily intake doses and an additional modifying factor, which is based on professional judgment when considering all available data about a substance, expressed in units of milligrams per kilogram body weight per day. This includes chronic reference doses, subchronic reference doses, and developmental reference doses.

~~("Regional office" means one of the regional offices of the department of ecology.)~~

"Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

"Relevant and appropriate requirements" means those cleanup standards, standards of control, and other human health and environmental requirements, criteria, or limitations established under state and federal law that, while not legally applicable to the hazardous substance, cleanup action, location, or other circumstance at a site, the department determines address problems or situations sufficiently similar to those encountered at the site that their use is well suited to the particular site. The criteria specified in WAC 173-340-710(3) shall be used to determine if a requirement is relevant and appropriate.

"Rem" means the unit of radiation dose equivalent that is the dosage in rads multiplied by a factor representing the different biological effects of various types of radiation.

"Remediation level (REL)" means a concentration (or other method of identification) of a hazardous substance in soil, water, air, or sediment above which a particular cleanup action component will be required as part of a cleanup action at a site. Other methods of identification include physical appearance or location. A cleanup action selected in accordance with WAC 173-340-350 through 173-340-390 that includes remediation levels constitutes a cleanup action which is protective of human health and the environment. See WAC 173-340-355 for a description of the purpose of remediation levels and the requirements and procedures for

developing a cleanup action alternative that includes remediation levels.

"Remedy" or "remedial action" means any action or expenditure consistent with the purposes of chapter 70.105D RCW to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

"Restoration time frame" means the period of time needed to achieve the required cleanup levels at the points of compliance established for the site.

"Risk" means the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

"Routine cleanup action" means a remedial action ~~((that consists of a cleanup action meeting the requirements in WAC 173-340-130(7)))~~ meeting all of the following criteria:

- Cleanup standards for each hazardous substance addressed by the cleanup are obvious and undisputed, and allow for an adequate margin of safety for protection of human health and the environment;

- It involves an obvious and limited choice among cleanup action alternatives and uses an alternative that is reliable, has proven capable of accomplishing cleanup standards, and with which the department has experience;

- The cleanup action does not require preparation of an environmental impact statement; and

- The site qualifies under WAC 173-340-7491 for an exclusion from conducting a simplified or site-specific terrestrial ecological evaluation, or if the site qualifies for a simplified ecological evaluation, the evaluation is ended under WAC 173-340-7492(2) or the values in Table 749-2 are used.

Routine cleanup actions consist of, or are comparable to, one or more of the following remedial actions:

- Cleanup of above-ground structures;

- Cleanup of below-ground structures;

- Cleanup of contaminated soils where the action would

restore the site to cleanup levels; or

- Cleanup of solid wastes, including containers.

"Safety and health plan" means a plan prepared under WAC 173-340-810.

~~(("Sample mean" means the arithmetic mean or the average of a set of measurements. The arithmetic mean is defined as the sum of all measurements divided by the number of measurements.))~~

"Sampling and analysis plan" means a plan prepared under WAC 173-340-820.

"Saturated zone" means the area below the water table in which all interstices are filled with water.

"Schools" means preschools, elementary schools, middle schools, high schools, and similar facilities, both public and private, used primarily for the instruction of minors.

"Science advisory board" means the advisory board established by the department under RCW 70.105D.030(4).

"Secondary maximum contaminant level" means the maximum concentration of a secondary contaminant in water established by the United States Environmental Protection

Agency under the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) and published in 40 C.F.R. 143 ~~((as presently promulgated or as subsequently amended or repromulgated))~~.

"Sensitive environment" means an area of particular environmental value, where a release could pose a greater threat than in other areas including: Wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

"Site" means ~~((the same as facility.~~

~~"Site characterization report" means a written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4)(b).~~

~~"Site check" means the investigation conducted pursuant to rules adopted under chapter 90.76 RCW in order to confirm a release from an underground storage tank) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.~~

"Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

~~(("Site register" means the public information document described in WAC 173-340-600.))~~

"Soil" means a mixture of organic and inorganic solids, air, water, and biota ~~((which))~~ that exists on the earth's surface above bedrock, including materials of anthropogenic sources such as slag, sludge, etc.

~~(("State remedial investigation/feasibility study" means a remedial action that consists of activities performed under WAC 173-340-350 to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup plan under WAC 173-340-360.~~

~~"Status report" means a written or verbal report on the status of the interim actions taken in response to a release from an underground storage tank, as described in WAC 173-340-450 (4)(b).)~~ "Soil biota" means invertebrate multicellular animals that live in the soil or in close contact with the soil.

"Subchronic reference dose" means an estimate (with an uncertainty of an order of magnitude or more) of a daily exposure level for the human population, including sensitive subgroups, that is likely to be without appreciable risk of adverse effects during a portion of a lifetime.

"Surface water" means lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

"Technically possible" means capable of being designed, constructed and implemented in a reliable and effective manner, regardless of cost.

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"Terrestrial ecological receptors" means plants and animals that live primarily or entirely on land.

"Threatened or endangered species" means species listed as threatened or endangered under the federal Endangered Species Act 16 U.S.C. Section 1533, or classified as threatened or endangered by the state fish and wildlife commission under WAC 232-12-011(1) and 232-12-014.

"Total excess cancer risk" means the upper bound on the estimated excess cancer risk associated with exposure to multiple hazardous substances and multiple exposure pathways.

"Total petroleum hydrocarbons" or "TPH" means any fraction of crude oil that is contained in plant condensate, crankcase motor oil, gasoline, aviation fuels, kerosene, diesel motor fuel, benzol, fuel oil, and other products derived from the refining of crude oil. For the purposes of this chapter, TPH will generally mean those fractions of the above products that are ~~((quantified by EPA Methods 8015 or 418.1))~~ the total of all hydrocarbons quantified by analytical methods NWTPH-Gx; NWTPH-Dx; volatile petroleum hydrocarbons (VPH) for volatile aliphatic and volatile aromatic petroleum fractions; and extractable petroleum hydrocarbons (EPH) for nonvolatile aliphatic and nonvolatile aromatic petroleum fractions, as appropriate, or other test methods approved by the department.

"Type I error" means the error made when it is concluded that an area of a site is below cleanup levels when it actually exceeds cleanup levels. This is the rejection of a true null hypothesis.

"Underground storage tank" or "UST" means an underground storage tank and connected underground piping as defined in the rules adopted under chapter 90.76 RCW.

~~("Underground storage tank operator" means any underground storage tank operator as defined in the rules adopted under chapter 90.76 RCW.~~

~~"Underground storage tank owner" means any underground storage tank owner as defined in the rules adopted under chapter 90.76 RCW.~~

~~"Underground storage tank release" means a confirmed release from an underground storage tank pursuant to the rules adopted under chapter 90.76 RCW.)~~

"Unrestricted site use conditions" means restrictions on the use of the site or natural resources affected by releases of hazardous substances from the site are not required to ensure continued protection of human health and the environment.

"Upper bound on the estimated excess cancer risk of one in one hundred thousand" means the upper ~~((95th))~~ ninety-fifth percent confidence limit on the estimated risk of one additional cancer above the background cancer rate per one hundred thousand individuals.

"Upper bound on the estimated excess cancer risk of one in one million" means the upper 95th percent confidence limit on the estimated risk of one additional cancer above the background cancer rate per one million individuals.

"Volatile organic compound" means those carbon-based compounds listed in EPA methods 502.2, 524.2, 551, 601, 602, 603, 624, ((8010, 8015, 8020, 8030, 8240, 502.1, 502.2, 503.1, 524.1, 524.2)) 1624C, 1666, 1671, 8011, 8015B, 8021B, 8031, 8032A, 8033, 8260B, and those with similar vapor pressures or boiling points. See WAC 173-340-830(3) for references describing these methods. For petroleum, vol-

atile means aliphatic and aromatic constituents up to and including EC12, plus naphthalene, 1-methylnaphthalene and 2-methylnaphthalene.

"Wastewater facility" means all structures and equipment required to collect, transport, treat, reclaim, or dispose of domestic, industrial, or combined domestic/industrial wastewaters.

"Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following attributes at least periodically, the land supports predominantly hydrophytes; the substrate is predominately undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

"Wildlife" means any nonhuman vertebrate animal other than fish.

"Zoned for (a specified) use" means the use is allowed as a permitted or conditional use under the local jurisdiction's land use zoning ordinances. A land use that is inconsistent with the current zoning but allowed to continue as a nonconforming use or through a comparable designation is not considered to be zoned for that use.

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

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-210 Usage. For the purposes of this chapter, the following shall apply:

(1) Unless the context clearly requires otherwise the use of the singular shall include the plural and conversely.

(2) The terms "applicable," "appropriate," "relevant," "unless otherwise directed by the department" and similar terms implying discretion mean as determined by the department, with the burden of proof on other persons to demonstrate that the requirements are or are not necessary.

(3) "Approved" means for department conducted or ordered remedial actions, or for potentially liable person conducted cleanups agreed to by the department in an agreed order or decree governing remedial actions at the site.

(4) "Conduct" means to perform or undertake whether directly or through an agent or contractor, unless this chapter expressly provides otherwise.

(5) "Include" means included but not limited to.

(6) "May" or "should" means the provision is optional and permissive, and does not impose a requirement.

(7) "Shall," "must," or "will" means the provision is mandatory.

(8) "Threat" means threat or potential threat.

(9) "Under" means pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-300 Site discovery and reporting. (1)

Purpose. As part of a program to identify hazardous waste sites, this section sets forth the requirements for reporting a release of a hazardous substance due to past activities, whether discovered before or after the effective date of this regulation. It also sets forth the requirements for reporting independent ((~~cleanup~~)) remedial actions. The department may take any other actions it deems appropriate to identify potential hazardous waste sites consistent with chapter 70.105D RCW.

(2) Release report.

(a) Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment shall report such information to the department ((~~by June 1, 1990, or for discovery of releases after this date,~~)) within ninety days of discovery. Releases from underground storage tanks ((~~as described in the rules adopted under chapter 90.76 RCW must~~)) shall be reported by the owner or operator of the underground storage tank within twenty-four hours of release confirmation, in accordance with WAC 173-340-450. To the extent known, the report shall include:

(i) The identification and location of the hazardous substance((:));

(ii) Circumstances of the release and the discovery((:)); and

(iii) Any remedial actions planned, completed, or underway. All other persons are encouraged to report such information to the department.

(b) Persons should use best professional judgment in deciding whether a release of a hazardous substance may be a threat or potential threat to human health or the environment. The following, which is not an exhaustive list, are examples of situations that generally should be reported under this section:

(i) Contamination in a water supply well.

(ii) Contaminated seeps, sediment or surface water.

(iii) Vapors in a building, utility vault or other structure that appear to be entering the structure from nearby contaminated soil or ground water.

(iv) Free product such as petroleum product or other organic liquids on the surface of the ground or in the ground water.

(v) Any contaminated soil or unpermitted disposal of waste materials that would be classified as a hazardous waste under federal or state law.

(vi) Any abandoned containers such as drums or tanks, above ground or buried, still containing more than trace residuals of hazardous substances.

(vii) Sites where unpermitted industrial waste disposal has occurred.

(viii) Sites where hazardous substances have leaked or been dumped on the ground.

(ix) Leaking underground petroleum storage tanks not already reported under WAC 173-340-450.

(3) Exemptions. The following releases are exempt from these notification requirements:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) Lawful and nonnegligent use of hazardous substances by a natural person for personal or domestic purposes;

(c) A release in accordance with a permit that authorizes the release;

(d) A release previously reported to the department in fulfillment of a reporting requirement in this chapter or in another law or regulation;

(e) A release previously reported to the United States Environmental Protection Agency under CERCLA, Section 103(c) (42 U.S.C. Sec. 9603(c));

(f) Except for releases under subsection (2)(b)(iii) of this section, a release to the air;

(g) Releases discovered in public water systems regulated by the department of health; or

(h) A release to a permitted wastewater facility.

An exemption from ((~~these~~)) the notification requirements in this section does not imply a release from liability ((~~in future actions by the department~~)) under this chapter.

(4) Report of independent remedial actions.

((~~a~~)) Report. Any person who conducts an independent interim action or cleanup action shall submit a written report to the department within ninety days of the completion of the action. For the purposes of this section, the department will consider an interim action or cleanup action complete if no remedial action other than compliance monitoring has occurred at the site for ninety days. This is not intended to preclude earlier reporting of such actions. See WAC 173-340-450 for additional requirements for reporting independent interim actions for releases from underground storage tanks.

(b) Contents. The report shall include the information in subsection (2) of this section if not already reported, and results of all site investigations, cleanup actions and compliance monitoring planned or underway. The department may require additional reports on the work performed.

(c) Combined reports. If the independent interim action or cleanup action is completed within ninety days of discovery, a single written report may be submitted on both the release and the action taken. The reports shall contain the information specified in subsections (2) and (4) of this section and shall be submitted within ninety days of completion of the interim action or cleanup action.

(d) Notification. The department shall publish a notice of all reports on independent interim actions and cleanup actions received under this section in the site register.)) See WAC 173-340-515 for additional reporting requirements for independent remedial actions. See WAC 173-340-450 for reporting requirements for independent remedial actions for releases from underground storage tanks.

(5) Department response. Within ninety days of ((~~receipt of~~)) receiving information under this section, the department shall ((~~respond~~)) conduct an initial investigation in accordance with WAC 173-340-310. ((~~Receipt of information regarding an independent interim action or cleanup action under subsection (3) or (4) of this section shall not obligate~~

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~~the department to take any action beyond that prescribed in WAC 173-340-310 and subsection (4)(d) of this section. Neither submission of information on independent interim action and cleanup actions nor any response by the department shall release the person submitting the report or any other person from liability. The department reserves all rights to pursue any subsequent action it deems appropriate.)~~ For sites on the hazardous sites list, the department shall, as resources permit, review reports that document independent cleanup actions. The review shall include an evaluation of whether the site qualifies for removal from the hazardous sites list or whether further remedial action is required.

(6) Other obligations. Nothing in this section shall eliminate any obligations to comply with reporting requirements that may exist in a permit or under other laws.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-310 Initial investigation. (1) Purpose. An initial investigation is an inspection of a suspected site by the department and documentation of conditions observed during that site inspection. The purpose of the initial investigation is to determine whether ~~((or not))~~ a release or threatened release of a hazardous substance may have occurred that warrants further action under this chapter.

~~((a))~~ (2) Applicability and timing. Whenever the department receives information and has a reasonable basis to believe that there may be a release or a threatened release of a hazardous substance that may pose a threat to human health or the environment, the department shall conduct an initial investigation within ninety days.

~~((b))~~ (3) Exemptions. The department shall not be required to conduct an initial investigation when:

~~((i))~~ (a) The circumstances associated with the release or threatened release are known to the department and have previously been or currently are being evaluated by the department or other government agency; ~~((or~~

~~((ii))~~ (b) The release is permitted; or

(c) The release is exempt from reporting under WAC 173-340-300(3).

~~((2))~~ Contents. The initial investigation shall include at a minimum: A site visit and documentation of conditions observed.

~~((3))~~ (4) Department deferral to others. The department may rely on another government agency or a contractor to the department to conduct an initial investigation on its behalf, provided the department determines such an agency or contractor is not suspected to have contributed to the release or threatened release of a hazardous substance and that no conflict of interest exists.

~~((4))~~ (5) Department decision. Based on the information obtained about the site, the department shall within thirty days of completion of the initial investigation make one or more of the following decisions:

(a) A site hazard assessment is required;

(b) Emergency remedial action is required;

(c) Interim action is required; or

(d) The site requires no further action under this chapter at this time because either:

(i) There has been no release or threatened release of a hazardous substance; or

(ii) A release or threatened release of a hazardous substance has occurred, but in the department's judgment, does not pose a threat to human health or the environment; or

(iii) Action under another authority is appropriate.

A decision for a particular follow-up action does not preclude the department from requiring some other action in the future based on reevaluation of the site or additional information.

~~((5))~~ ~~Early notice letter.~~

~~((a))~~ (6) Notification.

(a) Sites requiring an emergency remedial action or interim action. If the department determines that an emergency remedial action or interim action is required, then notification of the threat to the potentially affected vicinity may be required by the department. The method and nature of the notification shall be determined on a case-by-case basis. Such notification shall be the responsibility of the site owner or operator if required in writing by the department.

(b) Sites requiring further remedial action. For sites requiring further remedial action under chapter 70.105D RCW, the department ~~((will))~~ shall notify the owner, operator, and any potentially liable person known to the department of its decision. This notification shall be a letter (Early Notice Letter) mailed to the person which includes:

(i) The basis for the department's decision;

(ii) Information on the cleanup process provided for in this chapter;

(iii) A statement that it is the department's policy to work cooperatively with persons to accomplish prompt and effective cleanups;

(iv) A person or office of the department to contact regarding the contents of the letter; and

(v) A statement that the letter is not a determination of liability and that cooperating with the department in planning or conducting a remedial action is not an admission of guilt or liability.

(c) Sites not requiring further remedial action. For sites requiring no further remedial action under chapter 70.105D RCW, if requested by the owner or operator, the department shall notify the owner or operator of the department's conclusion. This notification shall be in writing and may be combined with the ~~((notice))~~ determination of status letter in WAC 173-340-500.

~~((b))~~ ~~The notification shall be a letter mailed to the person which includes:~~

~~((i))~~ ~~The basis for the department's decision;~~

~~((ii))~~ ~~Information on the cleanup process provided for in this chapter;~~

~~((iii))~~ ~~A statement that it is the department's policy to work cooperatively with persons to accomplish prompt and effective cleanups;~~

~~((iv))~~ ~~A person or office of the department to contact regarding the contents of the letter; and~~

~~((v))~~ ~~A statement that the letter is not a determination of liability and that cooperating with the department in planning or conducting a remedial action is not an admission of guilt or liability.)~~

(7) Reservation of rights. Nothing in this section shall preclude the department from taking or requiring appropriate remedial action at any time.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-320 Site hazard assessment. (1) Purpose. The purpose of the site hazard assessment is to provide sufficient sampling data and other information for the department to:

- (a) Confirm or rule out that a release or threatened release of a hazardous substance has occurred;
- (b) ~~((Fø))~~ Identify the hazardous substance and provide some information regarding the extent and concentration of the substance;
- (c) Identify site characteristics that could result in the hazardous substance entering and moving through the environment;
- (d) Evaluate the potential for the threat to human health and the environment; and
- (e) Determine the hazard ranking of the site under WAC 173-340-330, if appropriate.

(2) Timing. ~~((Unless otherwise directed by the department))~~ Generally, a site hazard assessment shall be completed before proceeding to any subsequent phase of remedial action, other than an emergency or interim action.

(3) Administrative options. The site hazard assessment may be conducted under any of the procedures described in WAC 173-340-510.

(4) Scope and content. A site hazard assessment is an early study to provide preliminary data regarding the relative potential hazard of the site. A site hazard assessment is not intended to be a detailed site characterization~~((:))~~; however, it shall include sufficient sampling, site observations, maps, and other information needed to meet the purposes specified in subsection (1) of this section. To fulfill this requirement, a site hazard assessment shall include, as appropriate, the following information:

- (a) Identification of hazardous substances, including what was released and is threatened to be released and/or, if known, what products of decomposition, recombination, or chemical reaction are currently present on site, and an estimate of their quantities and concentrations;
- (b) Evidence confirming a release or threatened release of hazardous substances to the environment;
- (c) Description of facilities containing releases, if any, and their condition;
- (d) Identification of the location of all areas where a hazardous substance is known or suspected to be, indicated on a site map;
- (e) Consideration of surface water run-on and run-off and the hazardous substances leaching potential;
- (f) Preliminary characterization of the subsurface and ground water actually or potentially affected by the release, including vertical depth to ground water and distance to nearby wells, bodies of surface water, and drinking water intakes;
- (g) Preliminary evaluation of receptors, including: Human population, food crops, recreation areas, parks, sensi-

tive environments, irrigated areas, and aquatic resources currently or potentially affected by ground water, air, or surface water containing the release of hazardous substances at the site, including distances to these receptors; and

(h) Any other physical factors which may be significant in estimating the potential or current exposure to sensitive biota.

(5) Guidance. The department shall make available guidance for how to conduct a site hazard assessment to meet the requirements of this section. Persons are encouraged to contact the department to obtain a copy of the latest guidance.

(6) Department decision. Based on the results of the site hazard assessment and other available information about the site, the department shall either determine the site warrants no further action using the criteria in WAC 173-340-310 (5)(d) or proceed with ranking and placing the site on the hazardous sites list under WAC 173-340-330.

(7) Notification. The department shall make available the results of the site hazard assessment to the site's owner and operator and any person who has received a potentially liable person status letter under WAC 173-340-500 regarding the site. If the department finds after a site hazard assessment that the site requires no further action, it shall publish this decision in the Site Register.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-330 Hazard ranking and the hazardous sites list. (1) Purpose. The department shall maintain a list of sites where remedial action has been determined by the department to be necessary. This list, called the hazardous sites list, shall fulfill the department's responsibilities under RCW 70.105D.030 (2)(b) and (3). From this list, the department shall select those sites where action is anticipated and include those in the biennial program report~~((See))~~ under WAC 173-340-340.(3))

(2) Hazard ranking.

(a) The department shall give a hazard ranking to sites placed on the list ((shall be given a hazard ranking)). The purpose of hazard ranking is to estimate, based on the information compiled during the site hazard assessment, the relative potential risk posed by the site to human health and the environment. This assessment considers air, ground water, and surface water migration pathways, human and nonhuman exposure targets, properties of the substances present, and the interaction of these variables.

~~((Fø))~~ (b) The department shall evaluate each site on a consistent basis using the procedure described in the "Washington Ranking Method Scoring Manual," ((and all revisions and additions thereto)) publication number 90-14, dated April 1992. The sediment component of a site shall be scored using the procedures described in "Sediment Ranking System," publication number 97-106, dated January 1990, and "Status Report: Technical Basis for SEDRANK Modifications," publication number 97-107, dated June 1991. The ranking procedure and major amendments to the manual shall be reviewed by the science advisory board established under chapter 70.105D RCW. Information obtained in the site haz-

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ard assessment, plus any additional data specified in ~~((the manual))~~ these publications, shall be included in the hazard ranking evaluation.

~~((b))~~ (3) Site Register. The department shall periodically provide notification of the results of hazard ranking in the Site Register ~~((established under WAC 173-340-600)).~~ The department shall make available hazard ranking results for each site to the site owner and operator and any potentially liable person known to the department ~~((prior to publishing))~~ before publication in the Site Register.

~~((e))~~ (4) Reranking. The department may at its discretion re-rank a site if, ~~((prior to))~~ before the initiation of state action at the site, the department receives additional information within the scope of the evaluation criteria which indicates that a significant change in rank may result.

~~((3))~~ (5) Listing.

~~((a))~~ Sites shall be ranked and placed on the hazardous sites list if, after the completion of a site hazard assessment, the department ~~((has determined))~~ determines that further action is required at the site. The list shall be updated at least once per year. Placement of a site on the hazardous sites list does not, by itself, imply that persons associated with the site are liable under chapter 70.105D RCW.

~~((b))~~ (6) Site status. The hazardous sites list shall ~~((also))~~ reflect the current status of remedial action at each site. The department may change a site's status to reflect current conditions. The status for each site shall be identified as one of the following:

~~((i))~~ (a) Sites awaiting further remedial action;

~~((ii))~~ (b) Sites with remedial action in progress;

~~((iii))~~ (c) Sites where a cleanup action has been conducted but confirmational monitoring is underway;

~~((iv))~~ (d) Sites with independent remedial actions; or

~~((v))~~ (e) Other categories established by the department.

~~((4))~~ (7) Removing sites from the list.

(a) The department may remove a site from the list only after it has determined that:

(i) For sites where the selected cleanup action does not include containment, all remedial actions except confirmational monitoring have been completed and compliance with the cleanup standards has been achieved at the site; ~~((or))~~

(ii) The listing was erroneous; or

(iii) For sites where the selected cleanup action includes containment, if all of the following conditions have been met:

(A) All construction and operation of remedial actions have been adequately completed and only passive maintenance activities such as monitoring, inspections and periodic repairs remain;

(B) Sufficient confirmational monitoring has been done to demonstrate that the remedy has effectively contained the hazardous substances of concern at the site;

(C) All required performance monitoring has been completed;

(D) Any required institutional controls are in place and have been demonstrated to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action;

(E) Written documentation is present in the department files that describes what hazardous substances have been left on site, where they are located, and the long term monitoring and maintenance obligations at the site;

(F) When required under WAC 173-340-440, financial assurances are in place;

(G) For sites with releases to ground water, it has been demonstrated the site meets ground water cleanup levels at the designated point of compliance.

(b) A site owner, operator, or potentially liable person may request that a site be removed from the list by submitting a petition to the department. The petition shall include thorough documentation of all investigations performed, all cleanup actions taken, and ~~((of))~~ adequate compliance monitoring to demonstrate to the department's satisfaction that one of the conditions in (a) of this subsection has been met. The department may require payment of costs incurred, including an advance deposit, for review and verification of the work performed. The department shall review such petitions; however, the timing of the review shall be at its discretion and as resources may allow.

~~((e))~~ (8) Record of sites. The department ~~((will))~~ shall maintain a record of sites that have been removed from the list under ~~((a)(i) of this))~~ subsection (7) of this section. The record shall identify which sites have institutional controls under WAC 173-340-440 and which sites are subject to periodic review under WAC 173-340-420. This record will be made available to the public upon request.

~~((5))~~ (9) Relisting of sites. The department may relist a site ~~((which))~~ that has previously been removed if it determines that the site requires further remedial action.

~~((6))~~ (10) Notice. The department shall provide public notice and an opportunity to comment when the department proposes to remove a site from the list. Additions to the list, changes in site status, and removal from the list shall be published in the Site Register.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-340 Biennial program report. (1) Timing. Before November 1 of each even-numbered year, the department shall prepare a biennial program report for the legislature containing its plan for conducting remedial actions for the following two fiscal years. This report shall identify the projects and expenditures recommended for appropriation from both the state and local toxics control accounts. In determining which sites the department shall consider for planned action, emphasis shall be given to sites posing the highest risk to human health and the environment, as indicated by a site's hazard ranking. The department may also consider other factors in setting site priorities. After legislative action and any revisions, this report shall become the department's biennial program plan.

(2) Public notice. The department shall provide public notice and a hearing on the proposed plan. For purposes of this subsection only, public notice shall consist of mailings to all persons who have made a timely request and to the appropriate news media, and publication in the state register. Notice shall also be provided in the Site Register. The public

comment period on the proposed plan shall run for at least thirty days from the date of the publication in the *Site Register*.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-350 ((State)) Remedial investigation and feasibility study. (1) Purpose. The purpose of a ((state)) remedial investigation/feasibility study is to collect, develop, and evaluate sufficient information regarding a site to ((enable the selection of)) select a cleanup action under WAC ((173-340-360)) 173-340-360 through 173-340-390.

(2) Timing. Unless otherwise directed by the department, a ((state)) remedial investigation/feasibility study shall be completed before selecting a cleanup action under WAC ((173-340-360)) 173-340-360 through 173-340-390, except for an emergency or interim action.

(3) Administrative options. A ((state)) remedial investigation/feasibility study may be conducted under any of the procedures described in WAC 173-340-510 and 173-340-515.

(4) Submittal requirements. For a remedial action conducted by the department or under a decree or order, a report shall be prepared at the completion of the remedial investigation/feasibility study. Additionally, the department may require reports to be submitted for discrete elements of the remedial investigation/feasibility study. Reports prepared under this section and under an order or decree shall be submitted to the department for review and approval. See also subsection (7)(c)(iv) of this section for information on the sampling and analysis plan and the safety and health plan. See WAC 173-340-515(4) for submittal requirements for independent remedial actions.

(5) Public participation. Public participation will be accomplished in a manner consistent with WAC 173-340-600.

~~((5))~~ (6) Scope. The scope of a ((state)) remedial investigation/feasibility study ((will depend)) varies from site to site, depending on the informational and analytical needs of the specific facility. This requires that the process remain flexible(, with the scope of the state remedial investigation/feasibility study varying from site to site)) and be streamlined when possible to avoid the collection and evaluation of unnecessary information so that the cleanup can proceed in a timely manner. Where information required in subsections (7)(c) and (8)(c) of this section is available in other documents for the site, that information may be incorporated by reference to avoid unnecessary duplication. However, in all cases sufficient information must be collected, developed, and evaluated to enable the selection of a cleanup action under WAC 173-340-360 through 173-340-390. In addition, for facilities on the federal national priorities list, ((the state)) a remedial investigation/feasibility study shall comply with federal requirements.

~~((6) Contents:))~~ (7) Procedures for conducting a remedial investigation.

(a) Purpose. The purpose of the remedial investigation is to collect data necessary to adequately characterize the site

for the purpose of developing and evaluating cleanup action alternatives. Site characterization may be conducted in one or more phases to focus sampling efforts and increase the efficiency of the remedial investigation. Site characterization activities may be integrated with the development and evaluation of alternatives in the feasibility study, as appropriate.

(b) Scoping activities. To focus the collection of data and to assist the department in making the preliminary evaluation required under the State Environmental Policy Act (see WAC 197-11-256), the following scoping activities may be taken before conducting a remedial investigation:

(i) Assemble and evaluate existing data on the site, including the results of any interim or emergency actions, initial investigations, site hazard assessments, and other site inspections;

(ii) Develop a preliminary conceptual site model as defined in WAC 173-340-200;

(iii) Begin to identify likely cleanup levels for the site;

(iv) Begin to identify likely cleanup action components that may address the releases at the site;

(v) Consider the type, quality and quantity of data necessary to support selection of a cleanup action; and

(vi) Begin to identify likely applicable state and federal laws under WAC 173-340-710.

(c) Content. A ((state)) remedial investigation(~~(feasibility study))~~) shall include the following information as appropriate:

~~((a))~~ (i) General facility information. General information, including: Project title; name, address, and phone number of project coordinator; legal description of the facility location; dimensions of the facility; present owner and operator; chronological listing of past owners and operators and operational history; and other pertinent information.

~~((b))~~ (ii) Site conditions map. An existing site conditions map (~~which~~) that illustrates relevant current site features such as((:)) property boundaries((:)), proposed facility boundaries((:)), surface topography((:)), surface and subsurface structures((:)), utility lines((:)), well locations((:)), and other pertinent information.

~~((c))~~ (iii) Field investigations. Sufficient investigations to characterize the distribution of hazardous substances present at the site, and threat to human health and the environment. Where applicable to the site, these investigations ((will need to)) shall address the following:

~~((i))~~ (A) Surface water and sediments. Investigations of surface water and sediments to characterize significant hydrologic features such as: Surface drainage patterns and quantities, areas of erosion and sediment deposition, surface waters, floodplains, and actual or potential hazardous substance migration routes towards and within these features. Sufficient surface water and sediment sampling shall be performed to adequately characterize the areal and vertical distribution and concentrations of hazardous substances. Properties of surface and subsurface sediments (~~which~~) that are likely to influence the type and rate of hazardous substance migration, or are likely to affect the ability to implement alternative cleanup actions shall be characterized.

~~((ii))~~ (B) Soils. Investigations to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the soil due to the ((facility)) release.

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Properties of surface and subsurface soils (~~which~~) that are likely to influence the type and rate of hazardous substance migration, or which are likely to affect the ability to implement alternative cleanup actions shall be characterized.

~~((iii))~~ (C) Geology and ground water system characteristics. Investigations of site geology and hydrogeology to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the ground water and those features which affect the fate and transport of these hazardous substances. This shall include, as appropriate, the description, physical properties and distribution of bedrock and unconsolidated materials; ground water flow rate and gradient for affected and potentially affected ground waters; ground water divides; areas of ground water recharge and discharge; location of public and private production wells; and ground water quality data.

~~((iv))~~ (D) Air. An evaluation of air quality impacts, including sampling, where appropriate, and information regarding local and regional climatological characteristics which are likely to affect the hazardous substance migration such as ~~(i)~~ seasonal patterns of rainfall~~(i)~~, the magnitude and frequency of significant storm events~~(i)~~, temperature extremes~~(i)~~, prevailing wind direction~~(i)~~, variations in barometric pressure, and wind velocity.

~~((v))~~ (E) Land use. Information regarding present and proposed land and resource uses and zoning for the site and potentially affected areas and information characterizing human and ecological populations that are reasonably likely to be exposed or potentially exposed to the ~~(hazardous substance released from the facility and present and proposed land uses and zoning for the site and potentially affected areas)~~ release based on such use.

~~((vi) Natural resources and ecology)~~ (F) Natural resources and ecological receptors.

(I) Information to determine the impact or potential impact of the hazardous substance from the facility on ~~(the)~~ natural resources and ~~(ecology of the area such as: Sensitive environment, plant and animal species, and other environmental)~~ ecological receptors, including any information needed to conduct a terrestrial ecological evaluation, under WAC 173-340-7492 or 173-340-7493, or to establish an exclusion under WAC 173-340-7491.

~~((vii))~~ (II) Where appropriate, a terrestrial ecological evaluation may be conducted so as to avoid duplicative studies of soil contamination that will be remediated to address other concerns, such as protection of human health. This may be accomplished by evaluating residual threats to the environment after cleanup action alternatives for human health protection have been developed. If this approach is used, the remedial investigation may be phased. Examples of sites where this approach may not be appropriate include: A site contaminated with a hazardous substance that is primarily an ecological concern and will not obviously be addressed by the cleanup action for the protection of human health, such as zinc; or a site where the development of a human health based remedy is expected to be a lengthy process, and postponing the terrestrial ecological evaluation would cause further harm to the environment.

(III) If it is determined that a simplified or site-specific terrestrial ecological evaluation is not required under WAC

173-340-7491, the basis for this determination shall be included in the remedial investigation report.

(G) Hazardous substance sources. A description of and sufficient sampling to define the location, quantity, areal and vertical extent, concentration within and sources of ~~(waste disposal areas)~~ releases. Where relevant, information on the physical and chemical characteristics, and the biological effects of hazardous substances shall be provided.

~~((viii))~~ (H) Regulatory classifications. Regulatory designations classifying affected air, surface water and ground water, if any.

~~((d) Risk assessment. A risk assessment characterizing the current and potential threats to human health and the environment that may be posed by hazardous substances. This assessment may not be required when the department determines that proposed cleanup standards are obvious and undisputed and allow an adequate margin of safety for protection of human health and the environment.~~

~~(e) Cleanup action alternatives. An evaluation of alternative cleanup actions that protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route, shall be required. The number and types of alternatives to be evaluated shall take into account the characteristics and complexity of the facility. A phased approach for evaluation of alternatives may be required for certain facilities, including an initial screening of alternatives to reduce the number of potential remedies for the final detailed evaluation. The final evaluation of cleanup action alternatives that pass the initial screening shall be evaluated for compliance with the requirements in WAC 173-340-360.~~

~~(f) Work plans. A sampling and analysis plan, and a safety and health plan shall be prepared as part of state remedial investigation/feasibility study activities. These plans shall conform to the requirements specified in this chapter.~~

~~(g))~~ (iv) Workplans. A safety and health plan and a sampling and analysis plan shall be prepared as part of the remedial investigation/feasibility study. These plans shall conform to the requirements specified in WAC 173-340-810 and 173-340-820.

(v) Other information. Other information may be required by the department.

(8) Procedures for conducting a feasibility study.

(a) Purpose. The purpose of the feasibility study is to develop and evaluate cleanup action alternatives to enable a cleanup action to be selected for the site. If concentrations of hazardous substances do not exceed the cleanup level at a standard point of compliance, no further action is necessary.

(b) Screening of alternatives. An initial screening of alternatives to reduce the number of alternatives for the final detailed evaluation may be appropriate. The person conducting the feasibility study may initially propose cleanup action alternatives or components to be screened from detailed evaluation. The department shall make the final determination of which alternatives must be evaluated in the feasibility study. The following cleanup action alternatives or components may be eliminated from the feasibility study:

(i) Alternatives that, based on a preliminary analysis, the department determines so clearly do not meet the minimum requirements specified in WAC 173-340-360 that a more

detailed analysis is unnecessary. This includes those alternatives for which costs are clearly disproportionate under WAC 173-340-360 (3)(e); and

(ii) Alternatives or components that are not technically possible at the site.

(c) Content. A feasibility study shall include the following information as appropriate.

(i) General requirements.

(A) The feasibility study shall include cleanup action alternatives that protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route.

(B) A reasonable number and type of alternatives shall be evaluated, taking into account the characteristics and complexity of the facility, including current site conditions and physical constraints. Alternatives for protection of aquatic ecological receptors, terrestrial ecological receptors and human health shall be developed as appropriate to the site.

(C) Each alternative may consist of one or more cleanup action components, including, but not limited to, components that reuse or recycle the hazardous substances, destroy or detoxify the hazardous substances, immobilize or solidify the hazardous substances, provide for on-site or off-site disposal of the hazardous substances in an engineered, lined and monitored facility, on-site isolation or containment of the hazardous substances with attendant engineering controls, and institutional controls and monitoring.

(D) Alternatives may, as appropriate, include remediation levels to define when particular cleanup action components will be used. Alternatives may also include different remediation levels for the same component. For example, alternatives that excavate and treat soils at varying concentrations may be appropriate to evaluate. See WAC 173-340-355 for detailed information on establishing potential remediation levels to be evaluated in the feasibility study.

(E) If necessary, evaluate the residual threats that would accompany each alternative and determine if remedies that are protective of human health will also be protective of ecological receptors. See subsection (7)(c)(iii)(F) of this section.

(F) The feasibility study shall include alternatives with the standard point of compliance for each environmental media containing hazardous substances, unless those alternatives have been eliminated under (b) of this subsection, and may include, as appropriate, alternatives with conditional points of compliance.

(G) Each alternative shall be evaluated on the basis of the requirements and the criteria specified in WAC 173-340-360.

(H) A preferred cleanup action may be identified in the feasibility study, where appropriate.

(I) Other information may be required by the department.

(ii) Permanent alternatives.

(A) Except as provided in (c)(ii)(B) of this subsection, the feasibility study shall include at least one permanent cleanup action alternative, as defined in WAC 173-340-200, to serve as a baseline against which other alternatives shall be evaluated for the purpose of determining whether the cleanup action selected is permanent to the maximum extent practica-

ble. The most practicable permanent cleanup action alternative shall be included.

(B) The feasibility study does not need to include a permanent cleanup action alternative under any of the following circumstances:

(I) Where a model remedy is the selected cleanup action;

(II) Where a permanent cleanup action alternative is not technically possible; or

(III) Where the cost of the most practicable permanent cleanup action alternative is so clearly disproportionate that a more detailed analysis is not necessary, as determined through the screening process in (b)(i) of this subsection.

(9) Additional requirements.

(a) Cleanup levels. Unless otherwise specified under this chapter, cleanup levels shall be established for hazardous substances in each media and for each pathway where a release has occurred, using WAC 173-340-700 through 173-340-760. These are typically initially established during the scoping of the remedial investigation and may be further refined during the remedial investigation and/or feasibility study.

(b) Compliance with other laws. The department may require that a remedial investigation/feasibility study include additional information or analyses to comply with the State Environmental Policy Act or other applicable laws. This includes information necessary to make a threshold determination (see WAC 197-11-335(1)), or information necessary to integrate the remedial investigation/feasibility study with an environmental impact statement (see WAC 197-11-262).

(c) Treatability studies. The department may require treatability studies as necessary to provide sufficient information to develop and evaluate cleanup action alternatives for a site.

~~((h) Any information needed to fulfill the applicable requirements of the State Environmental Policy Act.~~

~~((i)) (d) Other information ((as)). Other information may be required by the department.~~

~~((7) In appropriate cases the department may allow departure from the requirements of subsection (6) of this section and will allow information to be incorporated by reference to avoid unnecessary duplication.~~

~~(8) Report. A report shall be prepared at the completion of the remedial investigation/feasibility study. Additionally, the department may require reports to be submitted following discrete elements of the remedial investigation/feasibility study. Reports prepared under this section and under an order or decree shall be submitted to the department for review and approval.)~~

NEW SECTION

WAC 173-340-355 Development of cleanup action alternatives that include remediation levels. (1) Purpose. A cleanup action selected for a site will often involve a combination of cleanup action components, such as treatment of some soil contamination and containment of the remainder. Remediation levels are used to identify the concentrations (or other methods of identification) of hazardous substances at which different cleanup action components will be used. (See the definition of remediation level in WAC 173-340-

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200.) Remediation levels are used at sites where a combination of cleanup action components are used to achieve cleanup levels at the point of compliance (see the example in subsection (3)(a) of this section) and at sites where achieving cleanup levels at the point of compliance is not practicable (see the example in subsection (3)(b) of this section).

(2) Relationship to cleanup levels and cleanup standards. Remediation levels are not the same as cleanup levels. A cleanup level defines the concentration of hazardous substances above which a contaminated media (e.g., soil) must be remediated in some manner (e.g., treatment, containment, institutional controls). A remediation level, on the other hand, defines the concentration (or other method of identification) of a hazardous substance in a particular media above or below which a particular cleanup action component (e.g., soil treatment or containment) will be used. Remediation levels, by definition, exceed cleanup levels.

Cleanup levels must be established for every site. Remediation levels, on the other hand, may not be necessary at a site. Whether remediation levels are necessary depends on the cleanup action selected. For example, remediation levels would not be necessary if the selected cleanup action removes for off-site disposal all soil that exceeds the cleanup level at the applicable points of compliance.

A cleanup action that uses remediation levels must meet each of the minimum requirements specified in WAC 173-340-360, including the requirement that all cleanup actions must comply with cleanup standards. Compliance with cleanup standards requires, in part, that cleanup levels are met at the applicable points of compliance. Where a cleanup action involves containment of soils with hazardous substance concentrations exceeding cleanup levels at the point of compliance, the cleanup action may be determined to comply with cleanup standards, provided the requirements specified in WAC 173-340-740 (6)(f) are met.

(3) Examples. The following examples of cleanup actions that use remediation levels are for illustrative purposes only. All cleanup action alternatives in a feasibility study, including those with proposed remediation levels, must be evaluated to determine whether they meet each of the minimum requirements specified in WAC 173-340-360 (see WAC 173-340-360 (2)(h)). This evaluation requires, in part, a determination that a more permanent cleanup action is not practicable, based on the disproportionate cost analysis in WAC 173-340-360 (3)(e).

(a) Example of a site meeting cleanup levels at the point of compliance. Assume that the soil cleanup level at a site is 20 ppm. Further assume that the cleanup action alternative determined to comply with the minimum requirements in WAC 173-340-360 and selected for the site consists of soil treatment and removal and a remediation level of 100 ppm to define when those two components are used. Under the cleanup standard, any soil that exceeds the 20 ppm cleanup level at the applicable point of compliance must be remediated in some manner. Under the selected cleanup action, any soil that exceeds the 100 ppm remediation level must be removed and treated. Any soil that does not exceed the 100 ppm remediation level, but exceeds the 20 ppm cleanup level, must be removed and landfilled. The cleanup action may be

determined to comply with the cleanup standard because the cleanup level is met at the applicable point of compliance.

(b) Example of a site not meeting cleanup levels at the point of compliance. Assume that the soil cleanup level at a site is 20 ppm. Further assume that the cleanup action alternative determined to comply with the minimum requirements in WAC 173-340-360 and selected for the site consists of soil treatment and containment and a remediation level of 100 ppm to define when those two components are used. Under the cleanup standard, any soil that exceeds the 20 ppm cleanup level at the applicable point of compliance must be remediated in some manner. Under the selected cleanup action, any soil that exceeds the 100 ppm remediation level must be treated. Any soil that does not exceed the 100 ppm remediation level, but exceeds the 20 ppm cleanup level, must be contained. Residual contamination above the cleanup level will remain at the site. However, assuming the cleanup action meets the requirements specified in WAC 173-340-740 (6)(f) for soil containment actions, the cleanup action may be determined to comply with cleanup standards.

(4) General requirements. Potential remediation levels may be developed as part of the cleanup action alternatives to be considered during the feasibility study (see WAC 173-340-350 (8)(c)(i)(D)). These potential remediation levels may be defined as either a concentration or other method of identification of a hazardous substance. Other methods of identification include physical appearance or location (e.g., all of the green sludge will be removed from the northern area of the site). Quantitative or qualitative methods may be used to develop these potential remediation levels. These methods may include a human health risk assessment or an ecological risk assessment. These methods may also consider fate and transport issues. These methods may be simple or complex, as appropriate to the site. Where a quantitative risk assessment is used, see WAC 173-340-357. All cleanup action alternatives in a feasibility study, including those with proposed remediation levels, must still be evaluated to determine whether they meet each of the minimum requirements specified in WAC 173-340-360 (see WAC 173-340-360 (2)(h)).

NEW SECTION

WAC 173-340-357 Quantitative risk assessment of cleanup action alternatives. (1) Purpose. A quantitative site-specific risk assessment may be conducted to help determine whether cleanup action alternatives, including those using a remediation level, engineered control and/or institutional control, are protective of human health and the environment. If a quantitative site-specific risk assessment is used, then other considerations may also be needed in evaluating the protectiveness of the overall cleanup action. Methods other than a quantitative site-specific risk assessment may also be used to determine if a cleanup action alternative is protective of human health and the environment.

(2) Relationship to selection of cleanup actions. Selecting a cleanup action requires a determination that each of the requirements specified in WAC 173-340-360 is met, including the requirement that the cleanup action is protective of human health and the environment. A quantitative risk assessment conducted under this section may be used to help

determine whether a particular cleanup action alternative meets this requirement. A determination that a cleanup action alternative evaluated is protective of human health and the environment does not mean that the other minimum requirements specified in WAC 173-340-360 have been met.

(3) Protection of human health. A quantitative site-specific human health risk assessment may be conducted to help determine whether cleanup action alternatives, including those using a remediation level, engineered control and/or institutional control, are protective of human health. For the purpose of this assessment, the default assumptions in the standard Method B and C equations in WAC 173-340-720 through 173-340-750 may be modified as provided for under modified Method B and C. In addition to those modifications, adjustments to the reasonable maximum exposure scenario or default exposure assumptions may also be made. See WAC 173-340-708 (3)(d) and (10)(b).

(a) Reasonable maximum exposure. Standard reasonable maximum exposures and corresponding Method B and C equations in WAC 173-340-720 through 173-340-750 may be modified as provided under WAC 173-340-708 (3)(d). For example, land uses other than residential and industrial may be used as the basis for an alternative reasonable maximum exposure scenario for the purpose of assessing the protectiveness of a cleanup action alternative that uses a remediation level, engineered control, and/or institutional control.

(b) Exposure parameters. Exposure parameters for the standard Method B and C equations in WAC 173-340-720 through 173-340-750 may be modified as provided in WAC 173-340-708(10).

(c) Acceptable risk level. The acceptable risk level for remediation levels shall be the same as that used for the cleanup level.

(d) Soil to ground water pathway. The methods specified in WAC 173-340-747 to develop soil concentrations that are protective of ground water beneficial uses may also be used during remedy selection to help assess the protectiveness to human health of a cleanup action alternative that uses a remediation level, engineered control, and/or institutional control.

(e) Burden of proof, new science, and quality of information. Any modification of the default assumptions in the standard Method B and C equations, including modification of the standard reasonable maximum exposures and exposure parameters, or any modification of default assumptions or methods specified in WAC 173-340-747 requires compliance with WAC 173-340-702 (14), (15) and (16).

(f) Commercial gas station scenario.

(i) At active commercial gas stations, where there are retail sales of gasoline and/or diesel, Equations 740-3 and 740-5 may be used with the exposure frequency reduced to 0.25 to demonstrate when a cap is protective of the soil ingestion and dermal pathways. This scenario is intended to be a conservative estimate of a child trespasser scenario at a commercial gas station where contaminated soil has been excavated and stockpiled or soil is otherwise accessible. Sites using remediation levels must also use institutional controls to prevent uses that could result in a higher level of exposure and assess the protectiveness for other exposure pathways (e.g., soil vapors and soil to ground water).

(ii) Equations 740-3 and 740-5 may also be modified on a site-specific basis as described in WAC 173-340-740 (3)(c).

(4) Protection of the environment. A quantitative site-specific ecological risk assessment may be conducted to help determine whether cleanup action alternatives, including those using a remediation level, engineered control and/or institutional control, are protective of the environment.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-360 Selection of cleanup actions. (1) Purpose.

~~((a) This section describes the requirements for selecting cleanup actions. It specifies the criteria for approving cleanup actions, the order of preference for cleanup technologies, policies for permanent solutions, the application of these criteria to particular situations, and the process for making these decisions. This section is intended to be used in conjunction with the cleanup standards defined in WAC 173-340-700 through 173-340-760 and the administrative principles for the overall cleanup process (WAC 173-340-130).~~

~~(b) Because cleanup actions will often involve the use of several cleanup technologies or methods at a single site, the overall cleanup action shall meet the requirements of this section.~~

~~(2) Threshold requirements:~~

~~All cleanup actions conducted under this chapter shall protect human health and the environment; shall comply with cleanup standards (see WAC 173-340-700 through 173-340-760); shall comply with applicable state and federal laws (see WAC 173-340-710); and shall provide for compliance monitoring (see WAC 173-340-410).~~

~~(3) Other requirements. In addition, the cleanup action conducted shall:~~

~~(a) Use permanent solutions to the maximum extent practicable (see WAC 173-340-360 (4), (5), (7), and (8));~~

~~(b) Provide for a reasonable restoration time frame (see WAC 173-340-360(6)); and~~

~~(c) Consider public concerns raised during public comment on the draft cleanup action plan (see WAC 173-340-360 (10) through (13)).~~

~~(4) Cleanup technologies:~~

~~(a) Cleanup of hazardous waste sites shall be conducted using technologies which minimize the amount of untreated hazardous substances remaining at a site. Toward that end, the following technologies for addressing specific hazardous substances or pathways shall be considered in order of descending preference:~~

~~(i) Reuse or recycling;~~

~~(ii) Destruction or detoxification;~~

~~(iii) Separation or volume reduction followed by reuse, recycling, destruction, or detoxification of the residual hazardous substance;~~

~~(iv) Immobilization of hazardous substances;~~

~~(v) On-site or off-site disposal at an engineered facility designed to minimize the future release of hazardous substances and in accordance with applicable state and federal laws;~~

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(vi) Isolation or containment with attendant engineering controls; and

(vii) Institutional controls and monitoring.

(b) A combination of technologies from more than one of the categories under (a) of this subsection may be used at a specific site. For example, the source of the hazardous substance may be recovered and recycled or destroyed, while containment is used to stop the migration of hazardous substances that have reached the ground water.

(c) Since cleanup actions will often involve a combination of technologies, cleanup action alternatives shall maximize the use of higher preference technologies.

(d) Ecology does not expect that one type of technology will be used for all sites. The adoption of the technology preferences in this subsection is designed to make it more difficult to select a cleanup action with a low preference without careful explanation of why technologies above it have not been used. As noted in subsection (9) of this section, ecology expects that lower options will be appropriate for some sites.

(5) Permanent solutions.

(a) When selecting a cleanup action, preference shall be given to permanent solutions to the maximum extent practicable.

(b) A permanent solution is one in which cleanup standards can be met without further action being required at the original site or any other site involved with the cleanup action, other than the approved disposal of any residue from preferred treatment technologies under subsection (4)(a)(i) through (iii) of this section.

(c) In general, technologies which reuse, recycle, destroy, or detoxify hazardous substances will result in permanent solutions if residual hazardous substance concentrations are below cleanup levels established under WAC 173-340-700 through 173-340-760. Containment of hazardous substances and/or institutional controls alone are not permanent solutions. Other technologies, such as immobilization of hazardous substances, may provide permanent solutions under some conditions.

(d) Ecology recognizes that permanent solutions may not be practicable for all sites. A determination that a cleanup action satisfies the requirement to use permanent solutions to the maximum extent practicable is based upon consideration of a number of factors. The following criteria shall be used to determine whether a cleanup action is "permanent to the maximum extent practicable":

(i) Overall protectiveness of human health and the environment including the degree to which existing risks are reduced, time required to reduce risk at the facility and attain cleanup standards, on-site and off-site risks resulting from implementing the alternative, the degree the cleanup action may perform to a higher level than specific standards in WAC 173-340-700 through 173-340-760, and improvement of the overall environmental quality;

(ii) Long term effectiveness including degree of certainty that the alternative will be successful, long-term reliability, magnitude of residual risk, and effectiveness of controls required to manage treatment residues or remaining wastes;

(iii) Short-term effectiveness including protection of human health and the environment during construction and

implementation of the alternative, and the degree of risk to human health and the environment prior to attainment of cleanup standards;

(iv) Permanent reduction of toxicity, mobility and volume of the hazardous substance including adequacy of the alternative in destroying the hazardous substances, reduction or elimination of hazardous substance releases and sources of releases, degree of irreversibility of waste treatment process, and the characteristics and quantity of treatment residuals generated;

(v) Ability to be implemented including consideration of whether the alternative is technically possible, availability of necessary off-site facilities, services and materials, administrative and regulatory requirements, scheduling, size, complexity, monitoring requirements, access for construction, operations and monitoring, and integration with existing facility operations and other current or potential remedial actions;

(vi) Cleanup costs. A cleanup action shall not be considered practicable if the incremental cost of the cleanup action is substantial and disproportionate to the incremental degree of protection it would achieve over a lower preference cleanup action. When selecting from among two or more cleanup action alternatives which have an equivalent level of preference under subsection (4) of this section, preference may be given to the least cost alternative. In performing this evaluation, the top three preferences in subsection (4) of this section shall be considered equivalent unless there are overriding public concerns or technical uncertainties;

(vii) The degree to which community concerns are addressed.

(e) To ensure a bias toward permanent solutions, cleanup actions conducted under this chapter including consideration of prior actions at the site shall comply with the following requirements:

(i) The cleanup action shall prevent or minimize present and future releases and migration of hazardous substances in the environment;

(ii) The cleanup action shall provide for a net reduction in the amount of a hazardous substance being released from the source area;

(iii) The cleanup action shall not rely primarily on dilution and dispersion of the hazardous substance if active remedial measures are technically possible;

(iv) A cleanup action relying primarily on institutional controls and monitoring shall not be used where it is technically possible to implement a cleanup action alternative that utilizes a higher preference cleanup technology for all or a portion of the site; and

(v) A cleanup action involving off-site transport and disposal of hazardous substances without treatment shall not be used if a treatment technology or method exists which will attain cleanup standards and is practicable.

(6) Restoration time frame.

(a) The cleanup action selected shall provide for a reasonable restoration time frame. The factors to be considered when establishing a reasonable restoration time frame shall include:

(i) Potential risks posed by the site to human health and the environment;

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(ii) ~~Practicability of achieving a shorter restoration time frame;~~

(iii) ~~Current use of the site, surrounding areas, and associated resources that are, or may be, affected by releases from the site;~~

(iv) ~~Potential future use of the site, surrounding areas, and associated resources that are, or may be, affected by releases from the site;~~

(v) ~~Availability of alternative water supplies;~~

(vi) ~~Likely effectiveness and reliability of institutional controls;~~

(vii) ~~Ability to control and monitor migration of hazardous substances from the site;~~

(viii) ~~Toxicity of the hazardous substances at the site; and~~

(ix) ~~Natural processes which reduce concentrations of hazardous substances and have been documented to occur at the site or under similar site conditions.~~

(b) ~~A longer period of time may be used for the restoration time frame for a site to achieve cleanup levels at the point of compliance if higher preference cleanup technologies in accordance with subsections (4) and (5) of this section are selected instead of on-site or off-site disposal, isolation, or containment options.~~

(c) ~~When area background concentrations would result in recontamination of the site to levels which exceed cleanup levels, that portion of the cleanup action which addresses cleanup below area background concentrations may be delayed until the off-site sources of hazardous substances are controlled. In these cases the remedial action shall be considered an interim action until cleanup levels are attained.~~

(d) ~~Where cleanup levels determined under method C in WAC 173-340-707 are below technically possible concentrations, concentrations that are technically possible to achieve shall be met within a reasonable time frame considering the factors in (a) of this subsection. In these cases the remedial action shall be considered an interim action until cleanup levels are attained.~~

(e) ~~Extending the restoration time frame shall not be used as a substitute for active cleanup actions, when such actions are practicable.~~

(7) ~~Ground water restoration:~~

(a) ~~Ground water treatment to achieve the levels in WAC 173-340-720 throughout the ground water at and beyond the point of compliance shall be required where such treatment is practicable or where such treatment is not practicable, but deemed by the department to be in the public interest.~~

(b) ~~When ground water treatment to achieve the cleanup levels at or beyond the point of compliance within an existing ground water plume is not practicable the following measures shall be taken:~~

(i) ~~Treatment shall be used to reduce the levels to the maximum extent practicable;~~

(ii) ~~Ground water containment, including barriers or hydraulic control through ground water pumping or both, shall be implemented to the maximum extent practicable to avoid lateral and vertical expansion of the ground water volume affected by the hazardous substance;~~

(iii) ~~Source control measures shall be implemented to prevent or minimize additional releases to the ground water;~~

(iv) ~~Adequate ground water monitoring to demonstrate control and containment of the hazardous substance shall be conducted;~~

(v) ~~The potentially liable person shall provide an alternative water supply or treatment for persons with water supplies rendered unusable by the release; and~~

(vi) ~~The practicability of achieving ground water cleanup levels by treating the ground water affected by the release shall be reevaluated during the periodic review under WAC 173-340-420.~~

(e) ~~Appropriate restrictions on the use of ground water shall be placed under WAC 173-340-440 until cleanup levels established under WAC 173-340-720 are achieved.~~

(d) ~~The integrity and continued operation of any treatment or containment system shall be assured in accordance with WAC 173-340-440.~~

(8) ~~Containment actions:~~

(a) ~~A cleanup action which relies primarily on on-site disposal, isolation, or containment of hazardous substances shall not be conducted if it is practicable to reuse, destroy, or detoxify those substances in a manner that remaining concentrations are below cleanup levels established under WAC 173-340-700 through 173-340-760.~~

(b) ~~Long term monitoring (WAC 173-340-410) and institutional controls (WAC 173-340-440) shall be required if on-site disposal, isolation, or containment is the selected cleanup action for a site or a portion of a site. Such measures shall be required until residual hazardous substance concentrations no longer exceed site cleanup levels established under WAC 173-340-700 through 173-340-760.~~

(c) ~~If the proposed cleanup action involves on-site containment, the draft cleanup action plan shall specify the types, levels, and amounts of hazardous substances remaining on-site and the measures that will be utilized to prevent migration and contact with those substances.~~

(9) ~~Expectations. Ecology has the following expectations for cleanup actions conducted under this chapter. The department recognizes that there may be sites where these expectations are not appropriate:~~

(a) ~~Ecology expects that treatment technologies will be used wherever practicable. Use of treatment technologies should be emphasized at sites containing liquid wastes, areas contaminated with high concentrations of hazardous substances, highly mobile materials, and/or discrete areas of hazardous substances which lend themselves to treatment;~~

(b) ~~To minimize the need for long-term management of contaminated materials, ecology expects that hazardous substances will be totally destroyed, detoxified, and/or removed to concentrations below cleanup levels throughout sites containing small volumes of hazardous substances;~~

(c) ~~Ecology recognizes the need to use engineering controls, such as containment, for sites or portions of sites that contain large volumes of materials with relatively low levels of hazardous substances where treatment is impracticable;~~

(d) ~~Ecology expects institutional controls, such as water use restrictions and deed restrictions, will be used to supplement engineering controls in order to prevent or limit exposure to hazardous substances and protect the integrity of the cleanup action;~~

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(e) Ecology expects that cleanup actions will return useable ground waters to their beneficial uses wherever practicable, within a reasonable time frame. When restoration of ground water to beneficial uses is not practicable, ecology expects to require measures to minimize/prevent further migration, minimize ongoing releases, prevent exposure to contaminated water, and other appropriate measures (see WAC 173-340-360(7));

(f) In order to minimize the potential for migration of hazardous substances, ecology expects that active measures will be taken to prevent precipitation and subsequent runoff from coming into contact with contaminated soils and waste materials. When such measures are impracticable, such as during active cleanup, ecology expects that site runoff will be contained and treated prior to release from the site;

(g) Ecology expects that when hazardous substances remain on-site at concentrations which exceed cleanup levels, those hazardous substances will be consolidated to the maximum extent practicable where needed to minimize the potential for direct contact and migration of hazardous substances;

(h) Ecology expects that, for facilities adjacent to a surface water body, active measures will be taken to prevent/minimize releases to surface water via surface runoff and ground water discharges. Ecology expects that dilution will not be the sole method for demonstrating compliance with cleanup standards; and

(i) Ecology expects that cleanup actions conducted under this chapter will not result in a significantly greater overall threat to human health and the environment than other alternatives.

(10) Draft cleanup action plan. The department shall issue a draft cleanup action plan for cleanup actions conducted by the department or conducted by a potentially liable person under an order or decree. The level of detail in the draft cleanup action plan shall be commensurate with the complexity of the site and proposed cleanup action.

(a) The draft cleanup action plan shall include the following:

(i) A general description of the proposed cleanup action including compliance monitoring;

(ii) A brief summary of other alternative cleanup actions evaluated in the state remedial investigation/feasibility study or comparable documents;

(iii) Site cleanup levels and points of compliance for each hazardous substance and for each media of concern;

(iv) The schedule for implementation of the cleanup action plan including, if known, restoration time frame;

(v) Required institutional controls and site use restrictions, if any, for the proposed cleanup action;

(vi) Justification for selecting a cleanup action that uses cleanup technologies that have a lower preference than higher representative cleanup technologies listed in subsection (4)(a) of this section;

(vii) Applicable state and federal laws for the proposed cleanup action, when these are known at this step in the cleanup process (this does not preclude subsequent identification of applicable state and federal laws);

(viii) A preliminary determination by the department that the proposed cleanup action will comply with subsections (2) and (3) of this section; and

(ix) Where the cleanup action involves on-site containment, specification of the types, levels, and amounts of hazardous substances remaining on-site and the measures that will be utilized to prevent migration and contact with those substances.

(b) For routine actions the department may use an order or decree to fulfill the requirements of a cleanup action plan, provided that the information in (a) of this subsection is included therein. The scope of detail for the required information shall be commensurate with the complexity of the site and proposed cleanup action.

(11) Public participation. The department will provide public notice and opportunity for comment on the draft cleanup plan as described in WAC 173-340-600.

(12) Final plan. Upon completion of the public comment period the department, after review and consideration of the comments received, shall issue a final cleanup action plan and publish its availability in the site register and by other appropriate methods. If the department determines, following the implementation of the preferred alternative, that the cleanup levels established in the cleanup action plan cannot be achieved, the department shall issue public notice of this determination.

(13) Federal cleanup sites. A record of decision or order or consent decree prepared under the Federal Clean-up Law that provides for a cleanup action may be used by the department to meet the requirements of this section provided:

(a) The cleanup action meets the requirements in subsections (2) and (3) of this section;

(b) The state has concurred with the cleanup action; and

(c) An opportunity was provided for the public to comment on the cleanup action.)) This section describes the minimum requirements and procedures for selecting cleanup actions. This section is intended to be used in conjunction with the administrative principles for the overall cleanup process in WAC 173-340-130; the requirements and procedures in WAC 173-340-350 through 173-340-357 and WAC 173-340-370 through 173-340-390; and the cleanup standards defined in WAC 173-340-700 through 173-340-760.

(2) Minimum requirements for cleanup actions. All cleanup actions shall meet the following requirements. Because cleanup actions will often involve the use of several cleanup action components at a single site, the overall cleanup action shall meet the requirements of this section. The department recognizes that some of the requirements contain flexibility and will require the use of professional judgment in determining how to apply them at particular sites.

(a) Threshold requirements. The cleanup action shall:

(i) Protect human health and the environment;

(ii) Comply with cleanup standards (see WAC 173-340-700 through 173-340-760);

(iii) Comply with applicable state and federal laws (see WAC 173-340-710); and

(iv) Provide for compliance monitoring (see WAC 173-340-410 and 173-340-720 through 173-340-760).

(b) Other requirements. When selecting from cleanup action alternatives that fulfill the threshold requirements, the selected action shall:

(i) Use permanent solutions to the maximum extent practicable (see subsection (3) of this section);

(ii) Provide for a reasonable restoration time frame (see subsection (4) of this section); and

(iii) Consider public concerns (see WAC 173-340-600).

(c) Ground water cleanup actions.

(i) Permanent ground water cleanup actions. A permanent cleanup action shall be used to achieve the cleanup levels for ground water in WAC 173-340-720 at the standard point(s) of compliance (see WAC 173-340-720(8)) where a permanent cleanup action is practicable or determined by the department to be in the public interest.

(ii) Nonpermanent ground water cleanup actions. Where a permanent cleanup action is not required under (c)(i) of this subsection, the following measures shall be taken:

(A) Treatment or removal of the source of the release shall be conducted for liquid wastes, areas contaminated with high concentrations of hazardous substances, highly mobile hazardous substances, or hazardous substances that cannot be reliably contained. This includes removal of petroleum and other light nonaqueous phase liquid (LNAPL) from the ground water using normally accepted engineering practices. Source containment may be appropriate when a dense non-aqueous phase liquid (DNAPL) cannot be recovered after reasonable efforts have been made.

(B) Ground water containment, including barriers or hydraulic control through ground water pumping, or both, shall be implemented to the maximum extent practicable to avoid lateral and vertical expansion of the ground water volume affected by the hazardous substance.

(d) Cleanup actions for soils at current or potential future residential areas and for soils at schools and child care centers. For current or potential future residential areas and for schools and child care centers, soils with hazardous substance concentrations that exceed soil cleanup levels must be treated, removed, or contained. Property qualifies as a current or potential residential area if:

(i) The property is currently used for residential use; or

(ii) The property has a potential to serve as a future residential area based on the consideration of zoning, statutory and regulatory restrictions, comprehensive plans, historical use, adjacent land uses, and other relevant factors.

(e) Institutional controls.

(i) Cleanup actions shall use institutional controls and financial assurances as required under WAC 173-340-440.

(ii) Cleanup actions that use institutional controls shall meet each of the minimum requirements specified in this section, just as any other cleanup action. Institutional controls should demonstrably reduce risks to ensure a protective remedy. This demonstration should be based on a quantitative scientific analysis where appropriate.

(iii) In addition to meeting each of the minimum requirements specified in this section, cleanup actions shall not rely primarily on institutional controls and monitoring where it is technically possible to implement a more permanent cleanup action for all or a portion of the site.

(f) Releases and migration. Cleanup actions shall prevent or minimize present and future releases and migration of hazardous substances in the environment.

(g) Dilution and dispersion. Cleanup actions shall not rely primarily on dilution and dispersion unless the incremental costs of any active remedial measures over the costs of dilution and dispersion grossly exceed the incremental degree of benefits of active remedial measures over the benefits of dilution and dispersion.

(h) Remediation levels. Cleanup actions that use remediation levels shall meet each of the minimum requirements specified in this section, just as any other cleanup action.

(i) Selection of a cleanup action alternative that uses remediation levels requires, in part, a determination that a more permanent cleanup action is not practicable, based on the disproportionate cost analysis (see subsections (2)(b)(i) and (3) of this section).

(ii) Selection of a cleanup action alternative that uses remediation levels also requires a determination that the alternative meets each of the other minimum requirements specified in this section, including a determination that the alternative is protective of human health and the environment.

(3) Determining whether a cleanup action uses permanent solutions to the maximum extent practicable.

(a) Purpose. This subsection describes the requirements and procedures for determining whether a cleanup action uses permanent solutions to the maximum extent practicable, as required under subsection (2)(b)(i) of this section. A determination that a cleanup action meets this one requirement does not mean that the other minimum requirements specified in subsection (2) of this section have been met. To select a cleanup action for a site, a cleanup action must meet each of the minimum requirements specified in subsection (2) of this section.

(b) General requirements. When selecting a cleanup action, preference shall be given to permanent solutions to the maximum extent practicable. To determine whether a cleanup action uses permanent solutions to the maximum extent practicable, the disproportionate cost analysis specified in (e) of this subsection shall be used. The analysis shall compare the costs and benefits of the cleanup action alternatives evaluated in the feasibility study. The costs and benefits to be compared are the evaluation criteria identified in (f) of this subsection.

(c) Permanent cleanup action defined. A permanent cleanup action or permanent solution is defined in WAC 173-340-200.

(d) Selection of a permanent cleanup action. A disproportionate cost analysis shall not be required if the department and the potentially liable persons agree to a permanent cleanup action that will be identified by the department as the proposed cleanup action in the draft cleanup action plan.

(e) Disproportionate cost analysis.

(i) Test. Costs are disproportionate to benefits if the incremental costs of the alternative over that of a lower cost alternative exceed the incremental degree of benefits achieved by the alternative over that of the lower cost alternative.

(ii) Procedure.

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(A) The alternatives evaluated in the feasibility study shall be ranked from most to least permanent, based on the evaluation of the alternatives under (f) of this subsection and the definition of permanent solution in (c) of this subsection.

(B) The most practicable permanent solution evaluated in the feasibility study shall be the baseline cleanup action alternative against which cleanup action alternatives are compared. If no permanent solution has been evaluated in the feasibility study, the cleanup action alternative evaluated in the feasibility study that provides the greatest degree of permanence shall be the baseline cleanup action alternative.

(C) The comparison of benefits and costs may be quantitative, but will often be qualitative and require the use of best professional judgment. In particular, the department has the discretion to favor or disfavor qualitative benefits and use that information in selecting a cleanup action. Where two or more alternatives are equal in benefits, the department shall select the less costly alternative provided the requirements of subsection (2) of this section are met.

(f) Evaluation criteria. The following criteria shall be used to evaluate and compare each cleanup action alternative when conducting a disproportionate cost analysis under (e) of this subsection to determine whether a cleanup action is permanent to the maximum extent practicable.

(i) Protectiveness. Overall protectiveness of human health and the environment, including the degree to which existing risks are reduced, time required to reduce risk at the facility and attain cleanup standards, on-site and off-site risks resulting from implementing the alternative, and improvement of the overall environmental quality.

(ii) Permanence. The degree to which the alternative permanently reduces the toxicity, mobility or volume of hazardous substances, including the adequacy of the alternative in destroying the hazardous substances, the reduction or elimination of hazardous substance releases and sources of releases, the degree of irreversibility of waste treatment processes, and the characteristics and quantity of treatment residuals generated.

(iii) Cost. The cost to implement the alternative, including the cost of construction, the net present value of any long-term costs, and agency oversight costs that are cost recoverable. Long-term costs include operation and maintenance costs, monitoring costs, equipment replacement costs, and the cost of maintaining institutional controls. Cost estimates for treatment technologies shall describe pretreatment, analytical, labor, and waste management costs. The design life of the cleanup action shall be estimated and the cost of replacement or repair of major elements shall be included in the cost estimate.

(iv) Effectiveness over the long term. Long-term effectiveness includes the degree of certainty that the alternative will be successful, the long-term reliability of the alternative ("long-term" means as long as hazardous substances that exceed the cleanup levels are estimated to remain on-site), the magnitude of residual risk with the alternative in place, and the effectiveness of controls required to manage treatment residues or remaining wastes. The following types of cleanup action components may be used as a guide, in descending order, when assessing the relative degree of long-term effectiveness: Reuse or recycling; destruction or detox-

ification; immobilization or solidification; on-site or off-site disposal in an engineered, lined and monitored facility; on-site isolation or containment with attendant engineering controls; and institutional controls and monitoring.

(v) Management of short-term risks. The risk to human health and the environment associated with the alternative during construction and implementation, and the effectiveness of measures that will be taken to manage such risks.

(vi) Technical and administrative implementability. Ability to be implemented including consideration of whether the alternative is technically possible, availability of necessary off-site facilities, services and materials, administrative and regulatory requirements, scheduling, size, complexity, monitoring requirements, access for construction operations and monitoring, and integration with existing facility operations and other current or potential remedial actions.

(vii) Consideration of public concerns. Whether the community has concerns regarding the alternative and, if so, the extent to which the alternative addresses those concerns. This process includes concerns from individuals, community groups, local governments, tribes, federal and state agencies, or any other organization that may have an interest in or knowledge of the site.

(4) Determining whether a cleanup action provides for a reasonable restoration time frame.

(a) Purpose. This subsection describes the requirements and procedures for determining whether a cleanup action provides for a reasonable restoration time frame, as required under subsection (2)(b)(ii) of this section. A determination that a cleanup action meets this one requirement does not mean that the other minimum requirements specified in subsection (2) of this section have been met. To select a cleanup action for a site, a cleanup action must meet each of the minimum requirements specified in subsection (2) of this section.

(b) Factors. To determine whether a cleanup action provides for a reasonable restoration time frame, the factors to be considered include the following:

(i) Potential risks posed by the site to human health and the environment;

(ii) Practicability of achieving a shorter restoration time frame;

(iii) Current use of the site, surrounding areas, and associated resources that are, or may be, affected by releases from the site;

(iv) Potential future use of the site, surrounding areas, and associated resources that are, or may be, affected by releases from the site;

(v) Availability of alternative water supplies;

(vi) Likely effectiveness and reliability of institutional controls;

(vii) Ability to control and monitor migration of hazardous substances from the site;

(viii) Toxicity of the hazardous substances at the site; and

(ix) Natural processes that reduce concentrations of hazardous substances and have been documented to occur at the site or under similar site conditions.

(c) A longer period of time may be used for the restoration time frame for a site to achieve cleanup levels at the point

of compliance if the cleanup action selected has a greater degree of long-term effectiveness than on-site or off-site disposal, isolation, or containment options.

(d) When area background concentrations (see WAC 173-340-200 for definition) would result in recontamination of the site to levels that exceed cleanup levels, that portion of the cleanup action which addresses cleanup below area background concentrations may be delayed until the off-site sources of hazardous substances are controlled. In these cases the remedial action shall be considered an interim action until cleanup levels are attained.

(e) Where cleanup levels determined under Method C in WAC 173-340-706 are below technically possible concentrations, concentrations that are technically possible to achieve shall be met within a reasonable time frame considering the factors in subsection (b) of this section. In these cases the remedial action shall be considered an interim action until cleanup levels are attained.

(f) Extending the restoration time frame shall not be used as a substitute for active remedial measures, when such actions are practicable.

NEW SECTION

WAC 173-340-370 Expectations for cleanup action alternatives. The department has the following expectations for the development of cleanup action alternatives under WAC 173-340-350 and the selection of cleanup actions under WAC 173-340-360. The department recognizes that there may be some sites where these expectations are not appropriate.

(1) The department expects that treatment technologies will be emphasized at sites containing liquid wastes, areas contaminated with high concentrations of hazardous substances, highly mobile materials, and/or discrete areas of hazardous substances that lend themselves to treatment.

(2) To minimize the need for long-term management of contaminated materials, the department expects that all hazardous substances will be destroyed, detoxified, and/or removed to concentrations below cleanup levels throughout sites containing small volumes of hazardous substances.

(3) The department recognizes the need to use engineering controls, such as containment, for sites or portions of sites that contain large volumes of materials with relatively low levels of hazardous substances where treatment is impracticable.

(4) In order to minimize the potential for migration of hazardous substances, the department expects that active measures will be taken to prevent precipitation and subsequent runoff from coming into contact with contaminated soils and waste materials. When such measures are impracticable, such as during active cleanup, the department expects that site runoff will be contained and treated prior to release from the site.

(5) The department expects that when hazardous substances remain on-site at concentrations which exceed cleanup levels, those hazardous substances will be consolidated to the maximum extent practicable where needed to minimize the potential for direct contact and migration of hazardous substances;

(6) The department expects that, for facilities adjacent to a surface water body, active measures will be taken to prevent/minimize releases to surface water via surface runoff and ground water discharges in excess of cleanup levels. The department expects that dilution will not be the sole method for demonstrating compliance with cleanup standards in these instances.

(7) The department expects that natural attenuation of hazardous substances may be appropriate at sites where:

(a) Source control has been conducted to the maximum extent practicable;

(b) Leaving contaminants on-site during the restoration time frame does not pose an unacceptable threat to human health or the environment;

(c) There is evidence that natural attenuation is occurring and will continue to occur at a reasonable rate at the site; and

(d) Appropriate monitoring requirements are adopted to ensure that the natural attenuation process is taking place and that human health and the environment are protected.

(8) The department expects that cleanup actions conducted under this chapter will not result in a significantly greater overall threat to human health and the environment than other alternatives.

NEW SECTION

WAC 173-340-380 Cleanup action plan. (1) Draft cleanup action plan. The department shall issue a draft cleanup action plan for a cleanup action to be conducted by the department or by a potentially liable person under an order or decree. The level of detail in the draft cleanup action plan shall be commensurate with the complexity of the site and proposed cleanup action.

(a) The draft cleanup action plan shall include the following:

(i) A general description of the proposed cleanup action developed in accordance with WAC 173-340-350 through 173-340-390.

(ii) A summary of the rationale for selecting the proposed alternative.

(iii) A brief summary of other cleanup action alternatives evaluated in the remedial investigation/feasibility study.

(iv) Cleanup standards and, where applicable, remediation levels, for each hazardous substance and for each medium of concern at the site.

(v) The schedule for implementation of the cleanup action plan including, if known, restoration time frame.

(vi) Institutional controls, if any, required as part of the proposed cleanup action.

(vii) Applicable state and federal laws, if any, for the proposed cleanup action, when these are known at this step in the cleanup process (this does not preclude subsequent identification of applicable state and federal laws).

(viii) A preliminary determination by the department that the proposed cleanup action will comply with WAC 173-340-360.

(ix) Where the cleanup action involves on-site containment, specification of the types, levels, and amounts of hazardous substances remaining on site and the measures that

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will be used to prevent migration and contact with those substances.

(b) For routine actions the department may use an order or decree to fulfill the requirements of a cleanup action plan, provided that the information in (a) of this subsection is included in an order or decree. The scope of detail for the required information shall be commensurate with the complexity of the site and proposed cleanup action.

(2) **Public participation.** The department will provide public notice and opportunity for comment on the draft cleanup plan, as required in WAC 173-340-600(13).

(3) **Final cleanup action plan.** After review and consideration of the comments received during the public comment period, the department shall issue a final cleanup action plan and publish its availability in the *Site Register* and by other appropriate methods. If the department determines, following the implementation of the preferred alternative, that the cleanup standards or, where applicable, remediation levels established in the cleanup action plan cannot be achieved, the department shall issue public notice of this determination.

(4) **Federal cleanup sites.** For federal cleanup sites, a record of decision or order or consent decree prepared under the federal cleanup law may be used by the department to meet the requirements of this section provided:

(a) The cleanup action meets the requirements under WAC 173-340-360;

(b) The state has concurred with the cleanup action; and

(c) An opportunity was provided for the public to comment on the cleanup action.

NEW SECTION

WAC 173-340-390 Model remedies. (1) **Purpose.** The purpose of model remedies is to streamline and accelerate the selection of cleanup actions that protect human health and the environment, with a preference for permanent solutions to the maximum extent practicable.

(2) **Circumstances.** The department may, from time to time, identify model remedies for common categories of facilities, types of contamination, types of media, and geographic areas. In identifying a model remedy, the department shall identify the circumstances for which application of the model remedy meets the requirements under WAC 173-340-360.

(3) **Effect.** Where a site meets the circumstances identified by the department under subsection (2) of this section, the components of the model remedy may be selected as the cleanup action, or portion of the cleanup action. At such sites, it shall not be necessary to conduct a feasibility study under WAC 173-340-350(8) or a disproportionate cost analysis under WAC 173-340-360(3) for those components or portions of the site to which a model remedy applies.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-400 Implementation of the cleanup action(s). (~~Unless otherwise directed by the department,~~

~~cleanup actions shall comply with this section except for emergencies or interim actions.))~~

(1) **Purpose.** Unless otherwise directed by the department, cleanup actions shall comply with this section except for emergencies or interim actions. The purpose of this section is to ensure that the cleanup action is designed, constructed, and operated in a manner (~~which~~) that is consistent with:

(a) The cleanup action plan;

(b) Accepted engineering practices; and

(c) The requirements (~~(of)~~) specified in WAC 173-340-360 (~~((1) and (2))~~).

(2) **Administrative options.** A cleanup action may be conducted under any of the procedures described in WAC 173-340-510 and 173-340-515.

(3) **Public participation.** During cleanup action implementation, public participation shall be accomplished in a manner consistent with the requirements of WAC 173-340-600.

(4) **Plans describing the cleanup action.** Design, construction, and operation of the cleanup action shall be consistent with the purposes of this section and shall consider relevant information provided by the (~~(state)~~) remedial investigation/feasibility study. For most cleanups, to ensure this is done it will be necessary to prepare the (~~(following)~~) engineering documents described in this section. The scope and level of detail in these documents may vary from site to site depending on the site-specific conditions and nature and complexity of the proposed cleanup action. In (~~(some)~~) many cases, such as routine cleanups and cleanups at leaking underground storage tanks, it (~~(may be)~~) is appropriate to combine the information in these various documents into one report to avoid unnecessary duplication. Where the information is contained in other documents it may be appropriate to incorporate those documents by reference to avoid duplication. Any document prepared in order to implement a cleanup may be used to satisfy these requirements provided they contain the required information. In addition, for facilities on the national priorities list the plans prepared for the cleanup action shall also comply with federal requirements.

(a) **Engineering design report.** The engineering design report shall include sufficient information for the development and review of construction plans and specifications. It shall document engineering concepts and design criteria used for design of the cleanup action. The following information shall be included in the engineering design report, as appropriate:

(i) Goals of the cleanup action including specific cleanup or performance requirements;

(ii) General information on the facility including a summary of information in the (~~(state)~~) remedial investigation/feasibility study updated as necessary to reflect the current conditions;

(iii) Identification of who will own, operate, and maintain the cleanup action during and following construction;

(iv) Facility maps showing existing site conditions and proposed location of the cleanup action;

(v) Characteristics, quantity, and location of materials to be treated or otherwise managed, including ground water containing hazardous substances;

- (vi) A schedule for final design and construction;
- (vii) A description and conceptual plan of the actions, treatment units, facilities, and processes required to implement the cleanup action including flow diagrams;
- (viii) Engineering justification for design and operation parameters, including:
 - (A) Design criteria, assumptions and calculations for all components of the cleanup action;
 - (B) Expected treatment, destruction, immobilization, or containment efficiencies and documentation on how that degree of effectiveness is determined; and
 - (C) Demonstration that the cleanup action will achieve compliance with cleanup requirements by citing pilot or treatability test data, results from similar operations, or scientific evidence from the literature;
- (ix) Design features for control of hazardous materials spills and accidental discharges (for example, containment structures, leak detection devices, run-on and run-off controls);
- (x) Design features to assure long-term safety of workers and local residences (for example, hazardous substances monitoring devices, pressure valves, bypass systems, safety cutoffs);
- (xi) A discussion of methods for management or disposal of any treatment residual and other waste materials containing hazardous substances generated as a result of the cleanup action;
- (xii) Facility specific characteristics (~~which~~) that may affect design, construction, or operation of the selected cleanup action, including:
 - (A) Relationship of the proposed cleanup action to existing facility operations;
 - (B) Probability of flooding, probability of seismic activity, temperature extremes, local planning and development issues; and
 - (C) Soil characteristics and ground water system characteristics;
- (xiii) A general description of construction testing (~~which~~) that will be used to demonstrate adequate quality control;
- (xiv) A general description of compliance monitoring (~~which~~) that will be performed during and after construction to meet the requirements of WAC 173-340-410;
- (xv) A general description of construction procedures proposed to assure that the safety and health requirements of WAC 173-340-810 are met;
- (xvi) Any information not provided in the (~~state~~) remedial investigation/feasibility study needed to fulfill the applicable requirements of the State Environmental Policy Act (chapter 43.21C RCW);
- (xvii) Any additional information needed to address the applicable state, federal and local requirements including the substantive requirements for any exempted permits; and property access issues which need to be resolved to implement the cleanup action; (~~and~~)
- (xviii) For sites requiring financial assurance and where not already incorporated into the order or decree or other previously submitted document, preliminary cost calculations and financial information describing the basis for the amount

and form of financial assurance and, a draft financial assurance document;

(xix) For sites using institutional controls as part of the cleanup action and where not already incorporated into the order or decree or other previously submitted documents, copies of draft restrictive covenants and/or other draft documents establishing these institutional controls; and

(xx) Other information as required by the department.

(b) Construction plans and specifications. Construction plans and specifications shall detail the cleanup actions to be performed. The plans and specifications shall be prepared in conformance with currently accepted engineering practices and techniques and shall include the following information as applicable:

(i) A general description of the work to be performed and a summary of the engineering design criteria from the engineering design report;

(ii) General location map and existing facility conditions map;

(iii) A copy of any permits and approvals;

(iv) Detailed plans (~~and procedural~~), procedures and material specifications necessary for construction of the cleanup action;

(v) Specific quality control tests to be performed to document the construction, including specifications for the testing or reference to specific testing methods, frequency of testing, acceptable results, and other documentation methods;

(vi) Startup procedures and criteria to demonstrate the cleanup action is prepared for routine operation;

(vii) Additional information to address applicable state, federal, and local requirements including the substantive requirements for any exempted permits;

(viii) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during construction, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;

(ix) Provisions to assure safety and health requirements of WAC 173-340-810 are met; and

(x) Other information as required by the department.

(c) Operation and maintenance plan. An operation and maintenance plan (~~which~~) that presents technical guidance and regulatory requirements to assure effective operations under both normal and emergency conditions. The operation and maintenance plan shall include the following elements, as appropriate:

(i) Name and phone number of the responsible individuals;

(ii) Process description and operating principles;

(iii) Design criteria and operating parameters and limits;

(iv) General operating procedures, including startup, normal operations, operation at less than design loading, shutdown, and emergency or contingency procedures;

(v) A discussion of the detailed operation of individual treatment units, including a description of various controls, recommended operating parameters, safety features, and any other relevant information;

(vi) Procedures and sample forms for collection and management of operating and maintenance records;

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(vii) Spare part inventory, addresses of suppliers of spare parts, equipment warranties, and appropriate equipment catalogues;

(viii) Equipment maintenance schedules incorporating manufacturers recommendations;

(ix) Contingency procedures for spills, releases, and personnel accidents;

(x) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during operation and maintenance, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;

(xi) Description of procedures which ~~((assure))~~ ensure that the safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans, as appropriate;

(xii) Procedures for the maintenance of the facility after completion of the cleanup action, including provisions for removal of unneeded appurtenances, and the maintenance of covers, caps, containment structures, and monitoring devices; and

(xiii) Other information as required by the department.

~~(5) ((In appropriate cases the department may authorize departure from the requirements of subsection (4) of this section, and may allow information to be incorporated by reference to avoid unnecessary duplication.~~

~~(6))~~ Permits. Permits and approvals and any substantive requirements for exempted permits, if required for construction or to otherwise implement the cleanup action, shall be identified and where possible, resolved ~~((prior to))~~ before, or during, the design phase to avoid delays during construction and implementation of the cleanup action.

~~((7))~~ (6) Construction. Construction of the cleanup action shall be conducted in accordance with the construction plans and specifications, and other plans prepared under this section.

(a) Department inspections.

(i) The department may perform site inspections and construction oversight. The department may require that construction activities be halted at a site if construction or any supporting activities ~~((+))~~ are not consistent with approved plans; are not in compliance with environmental regulations or accepted construction procedures; or endanger human health or the environment.

(ii) The department may conduct a formal inspection of the site following construction and an initial operational shake down period to ensure satisfactory completion of the construction. If such an inspection is performed, the construction documentation report and engineer's opinion specified in (b)(ii) of this subsection shall be available ~~((prior to))~~ before the inspection.

(b) Construction documentation.

(i) Except as provided in (b)(iii) of this subsection, all aspects of construction shall be performed under the ~~((supervision))~~ oversight of a professional engineer registered in the state of Washington or a qualified technician under the direct supervision of a professional engineer registered in the state of Washington or as otherwise provided for in RCW 18.43.130. During construction, detailed records shall be kept of all aspects of the work performed including construction

techniques and materials used, items installed, and tests and measurements performed.

(ii) As built reports. At the completion of construction the engineer responsible for the ~~((supervision))~~ oversight of construction shall prepare as built drawings and a report documenting all aspects of facility construction. The report shall also contain an opinion from the engineer, based on testing results and inspections, as to whether the cleanup action has been constructed in substantial compliance with the plans and specifications and related documents.

(iii) For leaking underground storage tanks, the construction oversight and documentation report may be conducted by an underground storage tank provider certified under chapter 173-360 WAC. Removal of above ground abandoned drums, tanks and similar above ground containers and associated minor soil contamination may be overseen and documented by an experienced environmental professional. In other appropriate cases the department may authorize departure from the requirements of this subsection ~~((and may allow information to be incorporated by reference to avoid unnecessary duplication))~~.

(c) Financial assurance and institutional control documentation. As part of the as-built documentation for the site cleanup, where the following information has not already been submitted under an order or decree or as part of another previously submitted document, the following information shall be included in the as-built report:

(i) For sites requiring financial assurance, a copy of the financial assurance document and any procedures for periodic adjustment to the value of the financial assurance mechanism;

(ii) For sites using institutional controls as part of the cleanup action, copies of recorded deed restrictions (with proof of recording) and other documents establishing these institutional controls.

(d) Plan modifications. Changes in the design or construction of the cleanup action performed under an order or decree shall be approved by the department.

~~((8))~~ (7) Opportunity for public comment. If the department determines that any plans prepared under this section represent a substantial change from the cleanup action plan, the department shall provide public notice and opportunity for comment under WAC 173-340-600.

~~((9))~~ (8) Plans and reports. Plans or reports prepared under this section and under an order or decree shall be submitted to the department for review and approval. For independent remedial actions, the plans and reports shall be submitted as required under WAC 173-340-515.

~~((10) Waste management-))~~ (9) Requirements for managing waste generated by site cleanup. Any waste contaminated by a hazardous substance generated during cleanup activities and requiring off-site treatment, storage or disposal, shall be transported to a facility permitted or approved to handle these wastes.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-410 Compliance monitoring requirements. (1) Purpose. There are three types of compliance

monitoring: Protection, performance, and conformational monitoring. The purposes of these three types of compliance monitoring and evaluation of the data are to:

(a) Protection monitoring. Confirm that human health and the environment are adequately protected during construction and the operation and maintenance period of an interim action or cleanup action as described in the safety and health plan;

(b) Performance monitoring. Confirm that the interim action or cleanup action has attained cleanup standards and, if appropriate, remediation levels or other performance standards such as construction quality control measurements or monitoring necessary to demonstrate compliance with a permit or, where a permit exemption applies, the substantive requirements of other laws;

(c) Confirmation monitoring. Confirm the long-term effectiveness of the interim action or cleanup action once cleanup standards and, if appropriate, remediation levels or other performance standards have been attained.

(2) General requirements. Compliance monitoring shall be required for all cleanup actions, and may be required for interim and emergency actions ~~((performed))~~ conducted under this chapter. Unless otherwise directed by the department, a compliance monitoring plan shall be prepared.

~~((3) Compliance monitoring plans. A compliance monitoring plan shall be prepared for all cleanup actions and may be required for interim and emergency actions unless otherwise directed by the department.))~~ Plans prepared under this section and under an order or decree shall be submitted to the department for review and approval. Protection monitoring may be addressed in the safety and health plan. Performance and confirmation monitoring may be addressed in separate plans ~~((and))~~ or may be combined with other plans or submittals, such as those in WAC 173-340-400 and 173-340-820.

(3) Contents of a monitoring plan. Compliance monitoring plans may include monitoring for chemical constituents, biological testing, and physical parameters as appropriate for the site. Where the cleanup action includes engineered controls or institutional controls, the monitoring may need to include not only measurements but also documentation of observations on the performance of these controls. Long-term monitoring shall be required if on-site disposal, isolation, or containment is the selected cleanup action for a site or a portion of a site. Such measures shall be required until residual hazardous substance concentrations no longer exceed site cleanup levels established under WAC 173-340-700 through 173-340-760. Compliance monitoring plans shall be specific for the media being tested and shall contain the following elements:

(a) A sampling and analysis plan meeting the requirements of WAC 173-340-820 which shall explain in the statement of objectives how the purposes of ~~((WAC 173-340-410(2)))~~ subsection (1) of this section are met;

(b) Data analysis and evaluation procedures used, to demonstrate and confirm compliance and justification for these procedures, including:

(i) A description of any statistical method to be employed; or

(ii) If sufficient data is not available ~~((prior to))~~ before writing the plan to propose a reliable statistical method to

demonstrate and confirm compliance, a contingency plan proposing one or more reliable statistical methods to demonstrate and confirm compliance, and the conditions under which the methods would be used at the facility; and

(c) Other information as required by the department.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

~~WAC 173-340-420 Periodic review. (1) ((If the department selects or approves a cleanup action that results in hazardous substances remaining at a site at concentrations which exceed method A or method B cleanup levels established under WAC 173-340-700 through 173-340-760 or if conditional points of compliance have been established, the department shall review the cleanup action no less frequently than every five years after the initiation of such cleanup action to assure that human health and the environment are being protected.~~

~~(2))~~ Purpose. A periodic review consists of a review by the department of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected.

(2) Applicability. The department shall conduct periodic reviews of a site whenever the department conducts a cleanup action; approves a cleanup action under an order, agreed order or consent decree; or issues a no further action opinion as resources permit; and one of the following conditions exists, at the site:

(a) Where an institutional control and/or financial assurance is required as part of the cleanup action;

(b) Where the cleanup level is based on a practical quantitation limit as provided for under WAC 173-340-707; and

(c) Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

(3) General requirements. If a periodic review is required under subsection (2) of this section, a review shall be conducted by the department at least every five years after the initiation of a cleanup action. The department may require potentially liable persons to submit information required by the department to conduct a periodic review.

(4) Review criteria. When evaluating whether human health and the environment are being protected, the factors the department shall consider ~~((shall))~~ include:

(a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;

(b) New scientific information for individual hazardous substances or mixtures present at the site;

(c) New applicable state and federal laws for hazardous substances present at the site;

(d) Current and projected site and resource uses;

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(e) The availability and practicability of ~~((higher preference technologies as defined in WAC 173-340-360(4)))~~ more permanent remedies; and

(f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

~~((3))~~ (5) Notice and public comment. The department shall publish a notice of all periodic reviews in the *Site Register* and provide an opportunity for public comment. The department shall also notify all potentially liable persons known to the department of the results of the periodic review.

~~((4))~~ (6) Determination of whether amendment of the cleanup action plan required. When the department determines that substantial changes in the cleanup action are necessary to protect human health and the environment at the site, a revised cleanup action plan shall be prepared. The department shall provide opportunities for public review and comment on the draft cleanup action plan ~~((consistent with the requirements))~~ in accordance with WAC ~~((173-340-360))~~ 173-340-380 and 173-340-600.

(7) Determination of whether future periodic reviews required. In conducting a periodic review under this section, the department shall determine whether additional reviews are necessary, taking into consideration the factors in subsection (4) of this section. Sites with institutional controls shall remain subject to periodic reviews as long as the institutional controls are required.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-430 Interim actions. (1) Purpose. ~~((The purpose of this section is to describe how certain interim actions can occur prior to the selection and completion of a cleanup action.))~~ An interim action is distinguished from a cleanup action in that an interim action only partially addresses the cleanup of a site. An interim action is:

(a) ~~((A))~~ A remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; ~~((or))~~

(b) ~~((A))~~ A remedial action that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or

(c) ~~((A))~~ A remedial action needed to provide for completion of a site hazard assessment, ~~((state))~~ remedial investigation/feasibility study or design of a cleanup action.

Example. A site is identified where oil-based wood preservative has leaked from a tank and is puddled on the ground and is floating on the water table. Run-off from adjacent properties passes through the site. Neighborhood children have been seen on the site. In this case, several interim actions would be appropriate ~~((prior to))~~ before fully defining the extent of the distribution of hazardous substances at the site and selecting a cleanup action. These interim actions might consist of removing the tank, fencing the site, rerouting run-off, and removing the product puddled on the ground and floating on the water table. Further studies would then determine what additional soil and ground water cleanup would be needed.

(2) General requirements.

~~((a))~~ Interim actions may:

~~((i))~~ (a) Achieve cleanup standards for a portion of the site; ~~((or))~~

~~((ii))~~ (b) Provide a partial cleanup, that is, clean up hazardous substances from all or part of the site, but not achieve cleanup standards; or

~~((iii))~~ (c) Provide a partial cleanup of hazardous substances and not achieve cleanup standards, but provide information on how to achieve cleanup standards for a cleanup. For example, demonstration of an unproven cleanup ~~((method))~~ technology.

~~((b))~~ (3) Relationship to the cleanup action ~~((:))~~,

~~((i))~~ (a) If the cleanup action is known, the interim action shall be consistent with the cleanup action.

~~((ii))~~ (b) If the cleanup action is not known, the interim action shall not foreclose reasonable alternatives for the cleanup action. This is not meant to preclude the destruction or removal of hazardous substances.

~~((3))~~ (4) Timing.

(a) Interim actions may occur anytime during the cleanup process. Interim actions shall not be used to delay or supplant the cleanup process. An interim action may be done ~~((prior to))~~ before or in conjunction with a site hazard assessment and hazard ranking. However, sufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted.

(b) Interim actions shall be followed by additional remedial actions unless compliance with cleanup standards has been confirmed at the site.

(c) The department shall set appropriate deadlines commensurate with the actions taken for completion of the interim action.

~~((4))~~ (5) Administrative options. ~~((Except as provided in WAC 173-340-530,))~~ Interim cleanup actions may be conducted under any of the procedures described in WAC 173-340-510 and 173-340-515.

~~((5))~~ (6) Public participation. Public participation will be accomplished in a manner consistent with WAC 173-340-600.

~~((6))~~ (7) Submittal requirements. Unless otherwise directed by the department and except for underground storage tank releases being addressed under WAC 173-340-450 and emergencies, a report shall be prepared ~~((prior to))~~ before conducting an interim action. Reports prepared under an order or decree shall be submitted to the department for review and approval. Reports for independent remedial actions shall be submitted as required by WAC 173-340-515. Reports shall be of a scope and detail commensurate with the work performed and site-specific characteristics, and shall include, as appropriate:

(a) A description of the interim action and how it will meet the criteria identified in subsections (1) ~~((and))~~, (2) and (3) of this section;

(b) Information from the applicable subsections of the remedial investigation/feasibility study of WAC 173-340-350, including at a minimum ~~((:))~~;

(i) A description of existing site conditions and a summary of all available data related to the interim action; and

(ii) Alternative interim actions considered and an explanation why the proposed alternative was selected;

(c) Information from the applicable subsections of the design and construction requirements of WAC 173-340-400; and

(d) A compliance monitoring plan meeting the applicable requirements of WAC 173-340-410;

(e) A safety and health plan meeting the requirements of WAC 173-340-810; and

(f) A sampling and analysis plan meeting the requirements of WAC 173-340-820.

~~((7))~~ (8) Construction. Construction of the interim action shall be in conformance with WAC 173-340-400(7).

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-440 Institutional controls. (1) Purpose. Institutional controls are measures undertaken to limit or prohibit activities that may interfere with the integrity of an interim action or cleanup action or that may result in exposure to hazardous substances at a site. ~~((Such measures))~~ **Institutional controls include:**

(a) Physical measures such as fences;

(b) Use restrictions such as limitations on the use of property or resources; or requirements that cleanup action occur if existing structures or pavement are disturbed or removed;

(c) Maintenance requirements for engineered controls such as the inspection and repair of monitoring wells, treatment systems, caps or ground water barrier systems;

(d) Educational programs such as signs, postings, public notices, health advisories, mailings, and similar measures that educate the public and/or employees about site contamination and ways to limit exposure; and

(e) Financial assurances (see subsection (11) of this section).

(2) Relationship to engineered controls. The term institutional controls refers to nonengineered measures while the term engineered controls refers to treatment and containment systems. Examples of engineered controls include a layer of clean soil, asphalt or concrete paving or other materials placed over contaminated soils to limit contact with contamination; a ground water flow barrier such as a bentonite slurry trench; ground water gradient control systems such as French drains or pump and treat systems; and vapor control systems.

(3) Applicability. This section applies to remedial actions being conducted at sites under any of the administrative options in WAC 173-340-510 and 173-340-515.

(4) Circumstances required. Institutional controls shall be required to assure both the continued protection of human health and the environment and the integrity of an interim action or cleanup action in the following circumstances:

(a) ~~((Where a))~~ The cleanup (action results in residual concentrations of) level is established using Method A or B and hazardous substances (which exceed method A or method B cleanup levels, as applicable, established under WAC 173-340-700 through 173-340-760) remain at the site at concentrations that exceed the applicable cleanup level; ~~((or))~~

(b) ~~((f))~~ The cleanup level is established using Method C;

(c) An industrial soil cleanup level is established under WAC 173-340-745;

(d) A ground water cleanup level is established using a site-specific risk assessment under WAC 173-340-720 (6)(c) and exceeds the potable ground water cleanup level;

(e) A conditional point(s) of compliance ((have been)) is established as the basis for measuring compliance at the site; ~~((or~~

~~((When the))~~ (f) Any time an institutional control is required under WAC 173-340-7490 through 173-340-7494; or

(g) The department determines such controls are required to assure the continued protection of human health and the environment or the integrity of the cleanup action.

~~((2))~~ Institutional controls shall not be used as a substitute for cleanup actions that would otherwise be technically possible.

(3) Institutional controls include:

(a) Physical measures, such as fences and signs, to limit activities that may interfere with the cleanup action or result in exposure to hazardous substances at the site; and

(b) Legal and administrative mechanisms to limit site use or activities and/or to ensure that any physical measures are maintained over time. Examples of limits on site use activities include restricting the use of a property for industrial or commercial purposes or other specified land uses, or placing restrictions on activities such as disturbing a cap or using the ground water. Examples of maintenance activities include, inspection and repair of monitoring wells, treatment systems, caps or ground water barrier systems.

(4)) (5) Minimum requirements. Cleanup actions that use institutional controls shall meet each of the minimum requirements specified in WAC 173-340-360, just as any other cleanup action. Institutional controls should demonstrably reduce risks to ensure a protective remedy. This demonstration should be based on a quantitative, scientific analysis where appropriate.

(6) Requirement for primary reliance. In addition to meeting each of the minimum requirements specified in WAC 173-340-360, cleanup actions shall not rely primarily on institutional controls and monitoring where it is technically possible to implement a more permanent cleanup action for all or a portion of the site.

(7) Periodic review. The department shall review compliance with institutional control requirements as part of periodic reviews under WAC 173-340-420.

(8) Format.

(a) For properties owned by a person who has been named as a potentially liable person or who has not been named as a potentially liable person by the department but meets the criteria in RCW 70.105D.040 for being named as a potentially liable person, appropriate institutional controls shall be described in a restrictive covenant on the property. The covenant shall be executed by the property owner and recorded with the register of deeds for the county in which the site is located. This restrictive covenant shall run with the land, and be binding on the owner's successors and assigns.

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(b) For properties owned by a local, state, or federal government entity, a restrictive covenant may not be required if that entity demonstrates to the department that:

(i) It does not routinely file with the county recording officer records relating to the type of interest in real property that it has in the site; and

(ii) It will implement an effective alternative system to meet the requirements of subsection (9) of this section.

The department shall require the government entity to implement the alternative system as part of the cleanup action plan. If a government entity meets these criteria, and if it subsequently transfers its ownership in any portion of the property, then the government entity must file a restrictive covenant upon transfer if any of the conditions in subsection (4) of this section still exist.

(c) For properties containing hazardous substances where the owner does not meet the criteria in RCW 70.105D.040 for being a potentially liable person, the department may approve cleanup actions ~~((which))~~ that include restrictive covenants or other legal and/or administrative mechanisms. The use of legal or administrative mechanisms ~~((which))~~ that do not include restrictive covenants is intended to apply to situations where the release has affected properties near the source of the release not owned by a person potentially liable under the act. A potentially liable person must make a good faith effort to obtain a restrictive covenant before using other legal or administrative mechanisms. Examples of such mechanisms include zoning overlays, placing notices in local zoning or building department records or state lands records, public notices and educational mailings.

~~((5))~~ (9) Restrictive covenants. Where required, the restrictive covenant shall:

(a) Prohibit activities on the site that may interfere with a cleanup action, operation and maintenance, monitoring, or other measures necessary to assure the integrity of the cleanup action and continued protection of human health and the environment;

(b) Prohibit activities that may result in the release of a hazardous substance ~~((which))~~ that was contained as a part of the cleanup action;

(c) Require notice to the department of the owner's intent to convey any interest in the site. No conveyance of title, easement, lease, or other interest in the property shall be consummated by the property owner without adequate and complete provision for the continued operation, maintenance and monitoring of the cleanup action, and for continued compliance with this subsection;

(d) Require the land owner to restrict leases to uses and activities consistent with the restrictive covenant and notify all lessees of the restrictions on the use of the property. This requirement applies only to restrictive covenants imposed after February 1, 1996;

(e) Require the owner to include in any instrument conveying any interest in any portion of the property, notice of the restrictive covenant under this section;

(f) Require notice and approval by the department of any proposal to use the site in a manner ~~((which))~~ that is inconsistent with the restrictive covenant. If the department, after public notice and comment approves the proposed change,

the restrictive covenant shall be amended to reflect the change; and

~~((f))~~ (g) Grant the department and its designated representatives the right to enter the property at reasonable times for the purpose of evaluating compliance with the cleanup action plan and other required plans, including the right to take samples, inspect any remedial actions taken at the site, and to inspect records.

~~((6))~~ (10) Local government notification. ~~((Prior to))~~ Before a restrictive covenant being established under this chapter, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to the restrictive covenant. Once a restrictive covenant has been executed, this same department shall be notified and sent a copy of the restrictive covenant. For independent cleanups ~~((using))~~ reviewed by the department under WAC 173-340-515 that use restrictive covenants, the person conducting the cleanup shall be responsible for these notifications.

~~((7))~~ (11) Financial assurances. The department ~~((may))~~ shall, as appropriate, require ~~((the potentially liable person to provide))~~ financial assurance ~~((s, through a trust fund or equivalent financial))~~ mechanisms ~~((approved by the department, sufficient to cover all costs of operation and maintenance including compliance monitoring and undertaking appropriate corrective measures. It is the department's expectation that such assurances will be required wherever the cleanup action includes containment and in other appropriate circumstances))~~ at sites where the cleanup action selected includes engineered and/or institutional controls. It is presumed that financial assurance mechanisms will be required unless the PLP can demonstrate that sufficient financial resources are available and in place to provide for the long-term effectiveness of engineered and institutional controls adopted. Financial assurances shall be of sufficient amount to cover all costs associated with the operation and maintenance of the cleanup action, including institutional controls, compliance monitoring, and corrective measures.

(a) Mechanisms. Financial assurance mechanisms may include one or more of the following: A trust fund, a surety bond, a letter of credit, financial test, guarantee, standby trust fund, local government bond rating test, local government financial test, local government guarantee, local government fund, or financial assurance mechanisms required under another law (for example, requirements for solid waste landfills or treatment, storage, and disposal facilities) that meets the requirements of this section.

(b) Exemption from requirement. The department shall not require financial assurances if persons conducting the cleanup can demonstrate that requiring financial assurances will result in the PLPs for the site having insufficient funds to conduct the cleanup or being forced into bankruptcy or similar financial hardship.

~~((8))~~ (12) Removal of restrictions. If the ~~((residual hazardous substances remaining at the site are subsequently reduced in concentration such that the method A or method B cleanup levels, as applicable, established under WAC 173-340-700 through 173-340-760 are met without a conditional point of compliance))~~ conditions at the site requiring an institutional control under subsection (4) of this section no longer

exist, then the owner may submit a request to the department that the restrictive covenant or other restrictions be eliminated. The restrictive covenant or other restrictions shall be removed, if the department, after public notice and opportunity for comment, concurs.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-450 Releases from underground storage tanks. (1) Purpose. The purpose of this section is to set forth the requirements for addressing releases (~~(which)~~) that may pose a threat to human health or the environment from (~~(USTs defined)~~) an underground storage tank (UST) regulated under chapter 90.76 RCW (and rules adopted therein, including heating oil USTs of greater than 1,100 gallons capacity).

(a) Releases from USTs exempted under chapter 90.76 RCW and rules adopted therein are still subject to all other requirements of this chapter.

(b) Unless the department requires otherwise, UST owners and UST operators regulated under chapter 90.76 RCW shall comply with the requirements in this section after confirmation of an UST release (~~(which)~~) that may pose a threat to human health or the environment.

(2) Initial response. Within twenty-four hours of (~~(the)~~) confirmation of an UST release, the UST owner or the UST operator shall perform the following actions:

(a) Report the UST release to the department and other authorities with jurisdiction, in accordance with rules adopted under chapter 90.76 RCW and any other applicable law;

(b) Remove as much of the hazardous substance from the UST as is possible and necessary to prevent further release to the environment;

(c) Eliminate or reduce any fire, explosion or vapor hazards in such a way as to minimize any release of hazardous substances to surface water and ground water; and

(d) Visually inspect any aboveground releases or exposed belowground releases and prevent the hazardous substance from spreading into surrounding soils, ground water and surface water.

(3) Interim actions.

(a) As soon as possible but no later than twenty days following confirmation of an UST release, the UST owner or the UST operator shall perform the following interim actions:

(i) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product (~~(which)~~) that may have migrated from the UST into structures in the vicinity of the site, such as sewers or basements;

(ii) Reduce the threat to human health and the environment posed by contaminated soils that are excavated or discovered as a result of investigation or cleanup activities. Treatment, storage and disposal of soils must be carried out in compliance with all applicable federal, state and local requirements;

(iii) Test for hazardous substances in the environment where they are most likely to be present. Such testing shall be done in accordance with a sampling and analysis plan prepared under WAC 173-340-820. The sample types, sample

locations, and measurement methods shall be based on the nature of the stored substance, type of subsurface soils, depth to ground water and other factors as appropriate for identifying the presence and source of the release. If contaminated soil is found in contact with the ground water or soil contamination appears to extend below the lowest soil sampling depth, then testing shall include the installation of ground water monitoring wells to test for the presence of possible ground water contamination. Information gathered for the site check or closure site assessment conducted (~~(pursuant to)~~) under rules adopted under chapter 90.76 RCW, which sufficiently characterizes the releases at the site, may be substituted for the testing required under this paragraph;

(iv) The testing performed under (a)(iii) of this subsection shall use the analytical methods specified in WAC 173-340-830 and include, at a minimum, the following:

(A) (~~Benzene, toluene, ethylbenzene, xylene, lead, and total petroleum hydrocarbons where leaded gasoline may be present;~~

(B) ~~Benzene, toluene, ethylbenzene, xylene and total petroleum hydrocarbons where unleaded gasoline may be present;~~

(C) ~~Total petroleum hydrocarbons and other appropriate indicator hazardous substances where any petroleum product other than gasoline may be present;~~

(~~D~~) For petroleum product releases, the concentration(s) of hazardous substances potentially present at the site, as appropriate for the type of petroleum product(s) released. The minimum testing requirements are specified in table 830-1.

(B) The hazardous substance stored and any likely decomposition by-products where a hazardous substance other than petroleum may be present; and

(~~E~~) (C) Any other tests required by the department; and

(v) Investigate for the presence of free product.

(~~b~~) (4) Free product removal. At sites where investigations indicate free product is present, the UST owner or the UST operator shall conduct, as soon as possible after discovery, an interim action to remove the free product while continuing, as necessary, any other actions required under this section. To accomplish this the UST owner or UST operator shall:

(~~+~~) (a) Conduct free product removal to the maximum extent practicable and in a manner (~~(which)~~) that minimizes the spread of hazardous substances, by using recovery and disposal techniques appropriate to the hydrogeologic conditions at the site. The objective of free product removal system must be, at a minimum, to stop the free product migration;

(~~ii~~) (b) Properly treat, discharge, or dispose of (~~(recovery by-products)~~) any hazardous substance, water, sludge or any other materials collected in the free product removal process in compliance with all applicable local, state, and federal regulations and permits; and

(~~iii~~) (c) Handle all flammable products safely to prevent fires and explosions.

(~~4~~) (5) Reporting requirements. The following reports are required to be submitted to the department:

(a) Status report. Within twenty days after an UST release, the UST owner or UST operator shall submit a status

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report to the department. The status report shall identify if known, the types, amounts, and locations of hazardous substances released, how the release occurred, evidence confirming the release, actions taken under subsections (2) and (3) of this section, any planned remedial actions, and any results of work done up to the time of the report. This report may be provided verbally to the department.

(b) Site characterization reports. Within ninety days after release confirmation, unless directed to do otherwise by the department, the UST owner or UST operator shall submit a report to the department about the site and nature of the release. This report shall be submitted to the department in writing and may be combined with the twenty-day status report, if the information required is available at that time. The site characterization report shall include, at a minimum, the following information:

(i) The information required for the status report under (a) of this subsection;

(ii) A site conditions map indicating approximate boundaries of the property, all areas where hazardous substances are known or suspected to be located, and sampling locations. This map may consist of a sketch of the site at a scale sufficient to illustrate this information;

(iii) Available data regarding surrounding populations, surface and ground water quality, use and approximate location of wells potentially affected by the release, subsurface soil conditions, depth to ground water, direction of ground water flow, proximity to and potential for affecting surface water, locations of sewers and other potential conduits for vapor or free product migration, surrounding land use, and proximity to sensitive environments;

(iv) Results of tests for hazardous substances performed under subsection (3)(a)(iii) and (iv) of this section;

(v) Results of the free product investigation required under subsection (3)(a)(v) of this section;

(vi) Results of all completed site investigations, interim actions and cleanup actions and a description of any remaining investigations, cleanup actions and compliance monitoring ~~((which))~~ that are planned or underway; and

(vii) Information on the free product removal efforts at sites where investigations indicate free product is present. This shall include, at a minimum, the following information:

(A) Name of the person responsible for implementing the free product removal measures;

(B) The estimated quantity, type, and thickness of free product observed or measured in wells, boreholes and excavations;

(C) The type of free product recovery system used;

(D) The location of any on-site or off-site discharge during the recovery operation;

(E) The type of treatment applied to, and the effluent quality expected from, any discharge;

(F) The steps taken and planned to obtain necessary permits for any discharge;

(G) Disposition of recovered free product; and

(viii) Any other information required by the department.

~~((5) State))~~ (6) Remedial investigation and feasibility study.

(a) If the initial cleanup actions taken at an UST site do not achieve cleanup levels throughout the site, a remedial

investigation and feasibility study may need to be conducted in accordance with WAC 173-340-350. The scope of a ~~((state))~~ remedial investigation and feasibility study ~~((under this chapter))~~ will depend on the informational needs at ~~((a specific site and will vary from site to site to avoid the collection of unnecessary information. For sites with UST releases, a state remedial investigation and feasibility study must at a minimum address the elements in WAC 173-340-350 (6)(a), (b), (c)(ii), (c)(iii), (c)(v) through (c)(vii) and (e). The department may require additional information when needed to select a cleanup action))~~ the site. UST owners and operators shall conduct a ~~((state))~~ remedial investigation and feasibility study for sites where the following conditions exist:

(i) There is evidence that the release has caused hazardous substances to be present in the ground water in excess of the ground water standards ~~((promulgated))~~ adopted under chapter 90.48 RCW or cleanup levels in WAC 173-340-720 (Table 720-1);

(ii) Free product is found; or

(iii) Where otherwise required by the department.

(b) UST owners and UST operators shall submit the information collected for the ~~((state))~~ remedial investigation/feasibility study to the department as soon as practicable. The information may be included with other reports submitted under this section.

~~((6))~~ (c) If the department determines, based on the results of the remedial investigation/feasibility study or other information, that additional remedial action is required, the department may require the UST owner or the UST operator to submit engineering documents as described in WAC 173-340-400.

(7) Cleanup actions. Unless directed to do otherwise by the department, cleanup actions performed by UST owners or UST operators shall comply with the cleanup standards ~~((;))~~ described in WAC 173-340-700 through ~~((173-340-750))~~ 173-340-760 and the requirements for the selection of cleanup actions ~~((;))~~ in WAC ~~((173-340-360))~~ 173-340-350 through 173-340-390.

(8) Independent cleanup actions. In addition to work performed under subsections (2) through (5), and (7) of this section, UST owners or UST operators performing independent cleanup actions shall:

(a) Notify the department of their intention to begin cleanup. This can be included with other reports under this section;

(b) Comply with any conditions imposed by the department to assure adequate protection of human health and the environment; and

(c) Within ninety days of completion of the cleanup action, submit the results of all investigations, interim and cleanup actions and compliance monitoring not previously submitted to the department.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-510 Administrative options for remedial actions. (1) Policy. It is the responsibility of each and every liable person to conduct remedial action so that sites are cleaned up well and expeditiously where a release or

threatened release of a hazardous substance requires remedial action. Potentially liable persons are encouraged to initiate discussions and negotiations with the department and the office of the attorney general ((which)) that may lead to an agreement on the remedial action to be conducted with the state of Washington. The department may provide informal advice and assistance on the development of proposals for remedial action, as provided by WAC ((173-340-130)) 173-340-515. Any approval by the department or the state of remedial action shall occur by one of the means described in subsections (2) and (3) of this section.

(2) Actions initiated by the potentially liable person. Potentially liable persons may initiate a remedial action, as follows:

(a) A person may initiate negotiations for a consent decree by submitting a letter under WAC 173-340-520(1).

(b) A person may request an agreed order by submitting a letter under WAC 173-340-530.

(3) Action initiated by the department. The department may initiate remedial action by:

(a) Issuing a letter inviting negotiations on a consent decree under WAC 173-340-520(2); or

(b) Requesting an agreed order under WAC 173-340-530; or

(c) Issuing an enforcement order under WAC 173-340-540.

(4) Department remedial action. Nothing in this chapter shall preclude the department from taking appropriate remedial action on its own at any time. Except for emergency actions and initial investigations, reasonable effort will be made to notify potentially liable persons ((prior to)) before the department ((taking)) takes remedial actions for which the recovery of public funds can be sought under RCW 70.105D.050(3).

~~((5) Independent remedial action. Nothing in this chapter shall preclude potentially liable persons from taking independent remedial action without oversight or approval from the department at sites not in discussions or negotiations for, or under, an order or decree. A potentially liable person may not take independent remedial actions after commencing discussions or negotiations for an agreed order or consent decree unless:~~

~~(a) Such action does not foreclose or preempt the remedial actions under discussion or negotiations and such action does not foreclose the selection of cleanup action; or~~

~~(b) If the potentially liable person has provided reasonable notice to the department and the department does not object to such action.~~

~~The department will use the appropriate requirements contained herein to evaluate the adequacy of any independent remedial action performed. Persons performing independent remedial actions do so at their own risk and may be required to take additional remedial actions if the department deems such actions necessary. In such circumstances, the department reserves all of its rights to take actions authorized by law.)~~

NEW SECTION

WAC 173-340-515 Independent remedial actions. (1)

Purpose. An independent remedial action is a remedial action conducted without department oversight or approval and not under an order, agreed order or consent decree. This section describes the procedures and requirements for independent remedial actions. See WAC 173-340-545 for additional requirements pertaining to independent remedial actions anticipated to be part of a private right of action.

(2) **Applicability.** Nothing in this chapter shall preclude potentially liable persons from conducting independent remedial actions at sites not in discussions or negotiations for, or under, an order or decree. However, a potentially liable person may not conduct independent remedial actions after commencing discussions or negotiations for an agreed order or consent decree unless:

(a) Such action does not foreclose or preempt the remedial actions under discussion or negotiation and such action does not foreclose the selection of a cleanup action; or

(b) The potentially liable person has provided reasonable notice to the department and the department does not object to such action.

(3) **Standards.**

(a) In reviewing independent remedial actions, the department shall determine whether the remedial actions meet the substantive requirements of this chapter and/or whether further remedial action is necessary at the site. Persons conducting independent remedial actions do so at their own risk, and may be required to take additional remedial actions if the department determines such actions are necessary. In such circumstances, the department reserves all of its rights to take actions authorized by law.

(b) When this chapter requires a consultation with, or an approval or determination by the department, such a consultation, approval or determination is not necessary in order to conduct an independent remedial action. However, independent remedial actions must still meet the substantive requirements of this chapter.

(c) If a restrictive covenant is used, it must meet the requirements specified in WAC 173-340-440(9). When specific documents are required in WAC 173-340-350, 173-340-355, 173-340-357, 173-340-360, 173-340-380, 173-340-400, 173-340-410, 173-340-430, 173-340-450, 173-340-700 through 173-340-760, and 173-340-810 through 173-340-850, the documents prepared for independent remedial actions need not be the same in title or format. Other documents can be used in place of the documents specified in these sections as long as sufficient information is included to serve the same purpose.

(4) **Reports to the department.**

(a) Any person who conducts an independent interim action or cleanup action for a release that is required to be reported under WAC 173-340-300 shall submit a written report to the department within ninety days of the completion of the action. For the purposes of this section, the department will consider an interim action or cleanup action complete if no remedial action other than compliance monitoring has occurred at the site for ninety days. This does not preclude earlier reporting of such actions or reporting of site investiga-

tions. See WAC 173-340-450 for additional requirements for reporting independent remedial actions for releases from underground storage tanks.

(b) The report shall include the information in WAC 173-340-300(2) if not already reported, and the results of all site investigations, cleanup actions and compliance monitoring planned or under-way. The department may require additional reports on the work conducted.

(c) If the independent interim action or cleanup action is completed within ninety days of discovery, a single written report may be submitted on both the release and the action taken. The report shall contain the information specified in provision (b) of this subsection and shall be submitted within ninety days of completion of the remedial action.

(d) The department shall publish in the *Site Register* a notice of all reports on independent interim actions and cleanup actions received under this section. If deemed necessary, the department shall also conduct an initial investigation under WAC 173-340-310. Neither submission of information on an independent remedial action nor any response by the department shall release the person submitting the report or any other person from liability. The department reserves all rights to pursue any subsequent action it deems appropriate.

(5) **Technical consultations.** The department may provide informal advice and assistance (technical consultations) on the administrative and technical requirements of this chapter to persons conducting or otherwise interested in an independent remedial action. Such advice or assistance is advisory only and not binding on the department. This advice may include written opinions. These written opinions shall be limited to whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter and/or whether the department believes further remedial action is necessary at the facility. Upon completing the review of an independent remedial action report or proposal that is voluntarily submitted for ecology's review and opinion, the department will:

(a) Provide a written opinion regarding the remedial actions performed or proposed at the site;

(b) Provide a written opinion regarding the remedial actions performed at the site and remove the site or a portion of the site from the hazardous sites list if the department has sufficient information to show that the independent remedial actions are appropriate to characterize and address contamination at the site, as provided for in WAC 173-340-330(4)(b); or

(c) Provide a written opinion describing the deficiencies with the remedial action or proposal for a remedial action at the site.

It is the department's policy, in conducting reviews under this subsection, to promote independent remedial actions by delisting sites or portions of sites whenever petitions and supporting documents show that the actions taken are appropriate to characterize and address the contamination at the site.

(6) **Cost of technical consultations.** For information on the payment of remedial action costs, see WAC 173-340-550(6).

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-520 Consent decrees. (1) Procedures for consent decrees initiated by potentially liable persons. To request a consent decree a person shall submit a letter to the department and office of the attorney general via certified mail, return receipt requested, or by personal delivery.

(a) Request. The letter shall describe, based on available information:

(i) The proposed remedial action, including the schedule for the work;

(ii) Information which demonstrates that the settlement will lead to a more expeditious cleanup, be consistent with cleanup standards if the remedial action is a cleanup action, and be consistent with any previous orders;

(iii) The facility, including location and boundaries;

(iv) The environmental problems to be addressed including a description of the releases at the facility and the potential impact of those releases to human health and the environment;

(v) A summary of the relevant historical use or conditions at the facility;

(vi) The date on which the potentially liable person will be ready to submit a detailed proposal;

(vii) Any special scheduling considerations for implementing the remedial actions;

(viii) Names of other persons who the person has reason to believe may be potentially liable persons at the facility; and

(ix) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include the elements listed in WAC 173-340-600(8).

(b) The letter may include:

(i) A waiver of the procedural requirements of WAC 173-340-500 and acceptance, for purposes of settlement, of potentially liable person status.

(ii) The contents of detailed proposal under ~~((f))~~ (g) of this subsection.

(c) A prospective purchaser consent decree is a particular type of consent decree entered into with a person not currently liable for remedial action at the site who proposes to purchase, redevelop, or reuse the site. RCW 70.105D.040(5) contains specific statutory requirements for this type of decree. In addition to the information in (a) and (b) of this subsection, a request for a prospective purchaser consent decree shall include:

(i) Identification of all persons proposing to enter into the consent decree and information which demonstrates that those persons are not currently liable for remedial action at the site;

(ii) Information which demonstrates that the settlement will yield substantial new resources to facilitate cleanup;

(iii) A general description of the proposed continued use or redevelopment or reuse of the site, including the proposed schedule for purchase, redevelopment, or reuse; and

(iv) Information describing whether and how the proposed settlement will provide a substantial public benefit.

(d) Recognizing that the steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the steps in the process for which the consent decree is requested. For example, a request for a consent decree for a ~~((state))~~ remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, if not already done by the department, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

~~((d))~~ (e) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

~~((e))~~ (f) Response. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. This determination will be based in part on a preliminary finding by the department that any resulting consent decree would be in accordance with RCW 70.105D.040 (4)(a). The department may:

- (i) Request additional information;
- (ii) Accept the request and require the person to submit a detailed written proposal by a specified date; or
- (iii) Provide written reasons for denying the request.

~~((f))~~ (g) Contents of detailed proposal. The proposal shall contain:

- (i) A proposed technical scope of work describing the remedial action to be conducted;
- (ii) The data, studies, or any other information upon which the settlement proposal is based;
- (iii) A statement describing the potentially liable person's ability to conduct or finance the remedial action as described in the proposed scope of work; ~~((and))~~

(iv) A schedule for proposed negotiations and implementation of the proposed remedial actions; and

(v) Any additional information requested by the department.

(h) In addition to the information in (g) of this subsection, the detailed proposal for a prospective purchaser consent decree shall include the following:

(i) Information showing a legal commitment to purchase, redevelop or reuse the site;

(ii) A detailed description including a plan of the proposed continued use, redevelopment, or reuse of the site, including, if necessary, an updated schedule for purchase, redevelopment or reuse;

(iii) Information which demonstrates that the redevelopment or reuse of the site is not likely to contribute to the existing or threatened releases at the site, interfere with remedial actions that may be needed at the site, or increase health risks to persons at or in the vicinity of the site; and

(iv) If the requestor does not propose to conduct the entire cleanup of the site, available information about potentially liable persons who are expected to conduct the remainder of the cleanup.

~~((g))~~ (i) The department and the office of the attorney general shall determine whether the proposal provides a sufficient basis for negotiations, and shall deliver to the potentially liable person within sixty days following receipt of

their proposal a written notice indicating whether or not the proposal is sufficient to proceed with negotiations.

~~((h))~~ (j) Prepayment agreement. Unless otherwise determined by the department, any person who requests a prospective purchaser agreement and receives a notice accepting the request under (f) of this subsection shall enter into a prepayment agreement with the department consistent with WAC 173-340-550(7) before negotiations will begin.

(k) Time limits for negotiations. The department shall set the time period and starting date for negotiations. The department and the office of the attorney general shall then negotiate with those potentially liable persons who have received a notice under ~~((e))~~ (f) of this subsection that their proposal was sufficient to proceed with negotiations. Negotiations may address one or more phases of remedial action. The length of the negotiation period specified by the department shall be no less than that proposed by the potentially liable person provided it does not conflict with the deadlines established under WAC 173-340-140.

~~((i))~~ (l) Enforcement stay. For consent decrees that are not prospective purchaser agreements, unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW, but the duration of such stay shall not exceed one hundred twenty days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

- (i) Reasonable progress is not being made toward a consent decree acceptable to the department; or
- (ii) The proposal is inappropriate based on new information or changed circumstances.

The department may ~~((commence with))~~ begin an enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(2) ~~((State-initiated))~~ Procedures for consent decrees initiated by the department. When the department believes that a consent decree will be a more expeditious method to achieve remedial action at a facility, it may initiate the procedures set forth in this subsection by sending a letter to the potentially liable person. The letter shall be sent via certified mail, return receipt requested, or by personal service.

(a) The letters may be delivered with potentially liable person status letters issued under WAC 173-340-500. The period for negotiation shall not commence until the thirty-day comment period required by WAC 173-340-500 has expired or the person expressly waives the procedural requirements of WAC 173-340-500.

(b) Contents of letter. The letter shall:

(i) Inform potentially liable person(s) that the department and the attorney general want to begin negotiations which may lead to a consent decree providing for remedial action;

(ii) Propose a draft consent decree and scope of work;

(iii) Define the negotiation process and schedule which shall not exceed ninety days;

(iv) Reference the department's finding under WAC 173-340-500;

(v) Request a written statement of the potentially liable person's willingness to proceed with the negotiation process defined in the letter; and

(vi) Request the names of other persons whom the person has reason to believe may be potentially liable persons at the facility.

(c) The letter may request the potentially liable person to respond, in writing, to the proposed draft consent decree and scope of work ~~((prior to initiating))~~ before beginning the negotiation phase.

(d) Negotiations. The department and the office of the attorney general shall negotiate with potentially liable persons who have indicated to the department a willingness to proceed with the negotiations. The negotiation time frame shall begin from the date the potentially liable person receives the letter under (a) of this subsection unless modified by the department. Negotiations may address one or more phases of remedial action.

(e) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW, but the duration of the stay shall not exceed ninety days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

(i) Reasonable progress is not being made toward a consent decree acceptable to the department; or

(ii) The proposal is inappropriate based on new information or changed circumstances. The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(f) Deadline extensions. The department may, at its discretion, extend the deadline for negotiations established in (b) of this subsection, provided the extension does not exceed thirty days.

(3) Filing a decree. After satisfying the public comment and hearing requirements, the department shall determine whether the proposed settlement negotiated under subsection (1) or (2) of this section, is more expeditious and consistent with cleanup standards established and in compliance with any order issued by the department relevant to the remedial action. After making the requisite findings, the department shall forward the proposed consent decree with the findings required by RCW 70.105D.040(4), to the office of the attorney general. If agreed to by the office of the attorney general, the consent decree will be filed by that office with the appropriate superior court or the federal court having jurisdiction over the matter.

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-530 Agreed orders. (1) Purpose. Agreed orders may be used for all remedial actions. ~~((Since an agreed order is not a settlement, an agreed order shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution.))~~ An agreed order means that the potentially liable person agrees to perform remedial actions at the site in accordance with the provisions of the agreed order and that the department will not take additional enforcement action against the potentially liable person to require those remedial actions specified in the agreed order so long as the potentially liable person complies with the provisions of the order. Since an agreed order is not a settlement,

an agreed order shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution. The department may require additional remedial actions should it deem such actions necessary.

(2) ~~((Request.))~~ Procedures for agreed orders initiated by a potentially liable person.

(a) To request an agreed order, a person shall submit a letter to the department based on available information, describing:

(i) The proposed remedial action including a schedule for the work;

(ii) The facility, including location and boundaries;

(iii) The environmental problems to be addressed, including the releases at the facility and the potential impact of those releases to human health and the environment;

(iv) A summary of the relevant historical use or conditions at the facility;

(v) Names of other persons whom the person has reason to believe may be potentially liable persons at the facility; and

(vi) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include, at a minimum, the elements listed in WAC 173-340-600(8).

(b) The letter may include a waiver of the procedural requirements of WAC 173-340-500, and acceptance, for purposes of the agreed order, of potentially liable person status.

(c) Recognizing that the basic steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the step in the process for which the order is requested. For example, a request for an agreed order for a ~~((state))~~ remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(3) ~~((Response.))~~ Department response to PLP-initiated request. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. The department may:

(a) Request additional information;

(b) Proceed with discussions, if the department believes it is in the public interest to do so; or

(c) Provide written reasons for denying the request.

(4) Procedures for agreed orders initiated by the department. When the department believes that an agreed order is an appropriate method to achieve remedial action at a facility, it may initiate the request for an agreed order.

(5) Duration of discussions. Discussions on the agreed order shall not exceed sixty days unless the department decides continued discussions are in the public interest.

(6) Enforcement. Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW; however, the duration of such stay shall not exceed sixty days from the date discussions begin. Further-

more, the department can withdraw from discussions if it determines that:

(a) Reasonable progress is not being made toward an agreed order acceptable to the department; or

(b) The agreed order is inappropriate based on new information or changed circumstances.

The department may ~~((commence with))~~ begin an enforcement action after notifying the potentially liable person in writing of its intent to withdraw from discussions.

~~((5))~~ (7) Focus of discussions. The focus of discussions for the agreed order shall ordinarily be the technical scope of work and work schedule. This subsection is not intended to preclude discussion on any item. It is intended to convey the expectation that the scope of work and work schedule will be the primary topics of discussion in ~~((formulating))~~ developing agreed orders.

~~((6))~~ (8) Public participation.

(a) When issuing an agreed order, the department shall provide appropriate public participation opportunities under WAC 173-340-600. ~~((If the agreed order is for a routine cleanup action and any person requests judicial review, then the applicable consent decree procedures under WAC 173-340-520 will be initiated.~~

~~(7) Revisions.)~~ (b) If the department and the potentially liable person signing the order agree to substantial changes in the order, the department shall provide appropriate additional public notice and opportunity to comment.

NEW SECTION

WAC 173-340-545 Private rights of action. (1) **Purpose.** A private right of action is a legal claim authorized by RCW 70.105D.080 under which a person may recover costs of remedial action from other persons liable under the act. RCW 70.105D.080 limits recovery of remedial action costs to those remedial actions that, when evaluated as a whole, are the substantial equivalent of a department-conducted or department-supervised remedial action. The purpose of this section is to facilitate private rights of action and minimize department staff involvement in these actions by providing guidance to potentially liable persons and the court on what remedial actions the department would consider the substantial equivalent of a department-conducted or department-supervised remedial action. In determining substantial equivalence, the department anticipates the requirements in this section will be evaluated as a whole and that a claim would not be disallowed due to omissions that do not diminish the overall effectiveness of the remedial action.

(2) **Substantial equivalent.** For the purposes of this section, the department considers the following remedial actions to be the substantial equivalent of a department-conducted or department-supervised remedial action.

(a) A remedial action conducted by the department;

(b) A remedial action that has been or is being conducted under an order or decree and the remedial requirements of the order or decree have been satisfied for those portions of the remedial action for which the private right of action is being sought; or

(c) A remedial action that has been conducted as an independent remedial action that includes the following elements:

(i) Information on the site and remedial actions conducted has been reported to the department in accordance with WAC 173-340-300, 173-340-450 and 173-340-515, as applicable;

(ii) The department has not objected to the remedial action being conducted or any such objection has been cured as determined by the court;

(iii) Except for emergency remedial actions, before conducting an interim action or cleanup action, reasonable steps have been taken to provide advance public notice;

(iv) The remedial actions have been conducted substantially equivalent with the technical standards and evaluation criteria described in subsection (4) of this section; and

(v) For facilities where hazardous substances have been disposed of as part of the remedial action, documentation is available indicating where these substances were disposed of and that this disposal was in compliance with applicable state and federal laws. It is not the intent of this provision to require extensive documentation. For example, if the remedial action results in solid wastes being transported off-site for disposal, it would be sufficient to have records indicating the wastes have been disposed of at a permitted solid waste or hazardous waste landfill.

(3) **Public notice requirements.** This subsection shall be used to determine if reasonable steps have been taken to provide advance public notice under subsection (2)(c)(iii) of this section. These public notice procedures apply only to interim actions or cleanup actions conducted as independent remedial actions after December 25, 1993. The notice may be combined with any notices under another law. For interim actions or cleanup actions conducted as independent remedial actions before December 25, 1993, the department recognizes little or no public notification typically occurred because there were no department-specified requirements other than the reporting requirements in this chapter. For these actions, this chapter contains no other specific public notice requirements or guidance, and the court will need to determine such requirements, if any, on a case-by-case basis. For independent remedial actions consisting of site investigations and studies, it is anticipated that public notice would not normally be done since often these early phases of work are to determine if a release even requires an interim action or cleanup action. For the purposes of this section only, unless the court determines other notice procedures are adequate for the site-specific circumstances, the following constitutes adequate public notice for independent remedial actions and supersedes the requirements in WAC 173-340-600:

(a) Except for emergency remedial actions, written notification has been mailed at least fifteen days before beginning construction of the interim action or cleanup action to the last known address of the following persons:

(i) The department (which shall publish a summary of the notice in the *Site Register*);

(ii) The local jurisdictional health department/district;

(iii) The town, city or county with land use jurisdiction;

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(iv) The land owners identified by the tax assessor at the time the action is begun for that portion of the facility where the interim action or cleanup action is being conducted; and

(v) Persons potentially liable under RCW 70.105D.040 known to the person conducting the interim action or cleanup action. In identifying persons potentially liable under RCW 70.105D.040 who are to be noticed under this provision, the person conducting the remedial action need only make a reasonable effort to review information currently readily available. Where the interim action or cleanup action is complex, written notification before beginning detailed design is recommended but not required. For emergency remedial actions, written notice should be provided as soon as practicable;

(b) The written notification includes: A brief statement describing the releases being remedied and the interim actions or cleanup actions expected to be conducted; the schedule for these interim actions or cleanup actions; and, for persons potentially liable under RCW 70.105D.040 known to the person conducting the interim actions or cleanup actions, a statement that they could be held liable for the costs of remedial actions being conducted; and

(c) Posting a sign at the site at a location visible to the general public indicating what interim actions or cleanup actions are being conducted and identifying a person to contact for more information. Except for emergency remedial actions this sign should be posted not later than the beginning of construction of any interim action or cleanup action and should remain posted for the duration of the construction. For emergency remedial actions posting of a sign should be done as soon as practicable;

(4) **Technical standards and evaluation criteria.** This subsection shall be used to determine if the remedial actions have been conducted substantially equivalent with the technical standards and evaluation criteria contained in this chapter. For the purposes of this section, remedial actions shall be deemed to comply with subsection (2)(c)(iv) of this section if they have been conducted substantially equivalent with the technical standards and evaluation criteria contained in the following sections, where applicable. Except for a restrictive covenant under WAC 173-340-440, where documents are required by the following sections, the documents prepared need not be the same in title or format. Other documents can be used in place of the documents specified in these sections as long as sufficient information is included in the record to serve the same purpose. When using the following sections to determine substantial equivalence it should be recognized that there are often many alternative methods for cleanup of a facility that would comply with these provisions. When this chapter requires a consultation with, or an approval or determination by the department, such a consultation, approval or determination is not necessary for remedial actions to meet the substantial equivalence requirement under this section; however, the remedial action must still be conducted substantially equivalent with the substantive requirements of those provisions. In applying these sections, reference should be made to the other applicable sections of this chapter, with particular attention to WAC 173-340-130 (Administrative

principles), WAC 173-340-200 (Definitions), and WAC 173-340-210 (Usage).

(a) WAC 173-340-350 (Remedial investigation/feasibility study);

(b) WAC 173-340-355 (Development of cleanup action alternatives that include remediation levels);

(c) WAC 173-340-357 (Quantitative risk assessment of cleanup action alternatives);

(d) WAC 173-340-360 (Selection of cleanup actions);

(e) WAC 173-340-380 (Cleanup action plan);

(f) WAC 173-340-400 (Cleanup actions);

(g) WAC 173-340-410 (Compliance monitoring requirements);

(h) WAC 173-340-430 (Interim actions);

(i) WAC 173-340-440 (Institutional controls);

(j) WAC 173-340-450 (Releases from underground storage tanks);

(k) WAC 173-340-700 through 173-340-760 (Cleanup standards); and

(l) WAC 173-340-810 through 173-340-850 (General provisions).

AMENDATORY SECTION (Amending WSR 93-24-064, filed 11/24/93, effective 12/25/93)

WAC 173-340-550 Payment of remedial action costs.

(1) Policy. RCW 70.105D.050(3) requires that the state seek to recover the amounts spent by the department for investigative and remedial actions and orders. It is the department's intention to recover those costs which are reasonably attributable to ~~(the)~~ individual sites. Timing of cost recovery for individual sites will be considered on a case-by-case basis, however, the department may demand, and generally requires, payment of costs as they are incurred.

(2) Costs. Each person who is liable under chapter 70.105D RCW is liable for remedial action costs incurred by the department. Remedial action costs are costs reasonably attributable to the site and may include costs of direct activities, support costs of direct activities, and interest charges for delayed payments. The department may send its request for payment to all potentially liable persons who are under an order or decree for the remedial action costs at the site. The department shall charge an hourly rate based on direct staff costs plus support costs. It is the department's intention that the resulting hourly rate charged be less than the hourly rate typically charged by a comparably sized consulting firm providing similar services. The department shall use the following formula for computing hourly rates:

Hourly Rate = DSC + DSC(ASCM) + DSC(PSCM),
where:

DSC = Direct Staff Costs defined in (a) of this subsection(3);

ASCM = Agency Support Cost Multiplier defined in (b) of this subsection(3); and

PSCM = Program Support Cost Multiplier defined in (c) of this subsection.

(a) Costs of direct activities are direct staff costs and other direct costs. Direct staff costs (DSC) are the costs of hours worked directly on a contaminated site, including salaries, retirement plan benefits, Social Security benefits, health

care benefits, leave and holiday benefits, and other benefits required by law to be paid to, or on behalf of, employees. Other direct costs are costs incurred as a direct result of department staff working on a contaminated site including, for example, costs of: Travel related to the site, printing and publishing of documents about the site, purchase or rental of equipment used for the site, and contracted work for the site.

(b) Agency support costs are the costs of facilities, communications, personnel, fiscal, and other state-wide and agency-wide services. The agency support cost multiplier (ASCM) used shall be the agency indirect rate approved by the agency's federal cognizant agency (which, as of July 1, 1993, was the United States Department of the Interior) for each fiscal year.

(c) Program support costs are the costs of administrative time spent by site managers and other staff who work directly on sites and a portion of the cost of management, clerical, policy, computer, financial, citizen technical advisor, and other support provided by other program staff to site managers and other staff who work directly on sites. Other activities of the toxics cleanup program not included in program support costs include, for example, community relations not related to a specific site, policy development, and a portion of the cost of nonsite management, clerical, policy, computer, financial, and other support staff. The program support cost multiplier (PSCM) used shall be calculated by dividing actual program support costs by the direct staff costs of all hours charged to site related work. This multiplier shall be evaluated at least biennially and any changes published in at least two publications of the *Site Register*. The calculation and source documents used in any revision shall be audited by either the state auditor's office or a private accounting firm. Audit results shall be available for public review. This multiplier shall not exceed 1.0 (one).

(d) The citizen technical advisor cost multiplier is based on the direct costs and agency support costs associated with the citizen technical advisor office within the department.

(3) Request for payment. When the department requests payment of remedial action costs it shall provide an itemized statement documenting the costs incurred.

(4) Interest charges. A ((minimum)) charge of twelve percent interest (annual percentage rate, compounded monthly) shall accrue on all remedial action costs not paid within ninety days of the billing date, or within another longer time period designated by the department.

(5) ~~(Private rights of action. The purpose of this subsection is to facilitate private rights of action and minimize department staff involvement in these actions by providing guidance to potentially liable persons and the court on what remedial actions the department would consider the substantial equivalent of a department conducted or department-supervised remedial action. In determining substantial equivalence, the department anticipates the requirements in this section will be evaluated as a whole and that a claim would not be disallowed due to omissions that do not diminish the overall effectiveness of the remedial action. For the purposes of this section, the department would consider the following remedial actions to be the substantial equivalent of a department conducted or department-supervised remedial action:~~

~~(a) A remedial action conducted by the department;~~

~~(b) A remedial action that has been or is being conducted under an order or decree and the remedial requirements of the order or decree have been satisfied for those portions of the remedial action for which the private right of action is being sought; or~~

~~(c) A remedial action that has been conducted as an independent remedial action that includes the following elements:~~

~~(i) Information on the site and remedial actions conducted has been reported to the department in accordance with WAC 173-340-300 and 173-340-450, as applicable;~~

~~(ii) The department has not objected to the remedial action being conducted or any such objection has been cured as determined by the court;~~

~~(iii) Except for emergency remedial actions, prior to conducting an interim action or cleanup action, reasonable steps have been taken to provide advance public notice. The notice may be combined with any notices under another law. These public notice procedures apply only to interim actions or cleanup actions conducted as independent remedial actions after the effective date of this section. For interim actions or cleanup actions conducted as independent remedial actions prior to the effective date of this section, the department recognizes little or no public notification typically occurred because there were no department specified requirements other than the reporting requirements in this chapter. For these actions, this chapter contains no other specific public notice requirements or guidance, and the court will need to determine such requirements, if any, on a case-by-case basis. For independent remedial actions consisting of site investigations and studies, it is anticipated that public notice would not normally be done since often these early phases of work are to determine if a release even requires an interim action or cleanup action. For the purposes of this subsection only, unless the court determines other notice procedures are adequate for the site-specific circumstances, the following constitutes adequate public notice and supersedes the requirements in WAC 173-340-600:~~

~~(A) Except for emergency remedial actions, written notification has been mailed at least fifteen days prior to beginning construction of the interim action or cleanup action to the last known address of the following persons: The department which shall publish a summary of the notice in the *Site Register*; the local jurisdictional health department/district; the town, city or county with land use jurisdiction; the land owners identified by the tax assessor at the time the action is commenced for that portion of the facility where the interim action or cleanup action is being conducted; and persons potentially liable under RCW 70.105D.040 known to the person conducting the interim action or cleanup action. In identifying other potentially liable persons who are to be noticed under this provision, the person doing the remedial action need only make a reasonable effort to review information currently readily available. Where the interim action or cleanup action is complex, notification prior to beginning detailed design is recommended but not required. For emergency remedial actions, written notice should be provided as soon as practicable;~~

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(B) The notice includes: A brief statement describing the releases being remedied and the interim actions or cleanup actions expected to be conducted; the schedule for these interim actions or cleanup actions; and, for persons potentially liable under RCW 70.105D.040 known to the person conducting the interim actions or cleanup actions, a statement that they could be held liable for the costs of remedial actions being conducted; and

(C) Posting a sign at the site at a location visible to the general public indicating what interim actions or cleanup actions are being conducted and identifying a person to contact for more information. Except for emergency remedial actions this sign should be posted not later than the beginning of construction of any interim action or cleanup action and should remain posted for the duration of the construction. For emergency remedial actions posting of a sign should be done as soon as practicable;

(iv) The remedial actions have been conducted substantially equivalent with the technical standards and evaluation criteria contained in the following sections, where applicable. Where documents are required by the following sections, the documents prepared need not be the same in title or format. Other documents can be used in place of the documents specified in these sections as long as sufficient information is included in the record to serve the same purpose. When using these sections to determine substantial equivalence it should be recognized that there are often many alternative methods for cleanup of a facility that would comply with these provisions. In applying these sections, reference should be made to the other applicable sections of this chapter, with particular attention to WAC 173-340-130 (Administrative principles); WAC 173-340-200 (Definitions) and WAC 173-340-210 (Usage):

(A) WAC 173-340-350 (State remedial investigation and feasibility study);

(B) WAC 173-340-360 (Selection of cleanup actions);

(C) WAC 173-340-400 (Cleanup actions);

(D) WAC 173-340-410 (Compliance monitoring requirements);

(E) WAC 173-340-430 (Interim actions);

(F) WAC 173-340-440 (Institutional controls);

(G) WAC 173-340-450 (Releases from underground storage tanks);

(H) WAC 173-340-700 through WAC 173-340-760 (Cleanup standards); and

(I) WAC 173-340-810 through WAC 173-340-850 (General provisions); and

(v) For facilities where hazardous substances have been disposed of as part of the remedial action, documentation is available indicating where these substances were disposed of and that this disposal was in compliance with applicable state and federal laws. It is not the intent of this provision to require extensive documentation. For example, if the remedial action results in solid wastes being transported off-site for disposal, it would be sufficient to have records indicating the wastes have been disposed of at a permitted solid waste or hazardous waste landfill.

(6)) Natural resource damages. Nothing in this section shall affect the authority of the department and the office of attorney general to recover natural resource damages.

~~((7))~~ (6) Independent remedial actions.

(a) ~~((The department has established a mechanism to recover the direct and support costs associated with the review and evaluation of independent remedial action reports submitted under WAC 173-340-300(4). This enables the department to evaluate independent cleanups and facilitates the return of property to productive use. Participation in this program is voluntary, and ecology will recover only the costs of review under the independent remedial action program from those persons requesting the department's review of an independent remedial action report. Ecology shall recover its costs of providing the review of independent remedial action reports, including:~~

~~(i) Providing a written determination regarding the adequacy of the remedial actions performed at a site;~~

~~(ii) Providing a written determination regarding the adequacy of the remedial actions performed at a site and removing sites or portions of sites from the hazardous sites list if the department has sufficient information to show that the independent remedial efforts are appropriate to characterize and address contamination at the site, as provided for in WAC 173-340-330(4)(b); or~~

~~(iii) Providing a written determination describing the deficiencies with the report or remedial action conducted at the site.~~

~~(b) The mechanism used to recover ecology's costs shall be evaluated in June 1994, and, if necessary, adjusted. The mechanism used to recover ecology's costs of review shall be evaluated every other year thereafter.~~

~~(c) It is the department's policy, in conducting reviews under this subsection, to promote independent remedial actions by delisting sites or portions of sites whenever petitions and supporting documents show that the actions taken are appropriate to characterize and address the contamination at the site.~~

~~(8)) The department may collect, from persons requesting a site-specific technical consultation under WAC 173-340-515, the costs incurred by the department in providing such advice and assistance.~~

~~(b) For situations where the department has decided to collect its costs, a refundable deposit of a reasonable amount will be required. The department's hourly costs shall be determined based on the method in WAC 173-340-550(2).~~

~~(c) The department's Toxics Cleanup Program manager or designee may make a discretionary, nonappealable decision on whether a person is eligible for a waiver of fees based on that person's ability to pay.~~

~~(d) The department shall waive collection of its costs, where appropriate, in providing technical assistance in support of an appropriate level of public participation or where the department's time in responding to the request is de minimis.~~

~~(7) Prepayment of costs.~~

~~(a) Persons potentially liable under this chapter or seeking a prospective purchaser agreement may request the department's oversight of remedial actions through a prepayment agreement. The purpose of such an agreement is to enable department oversight of remedial actions at lower priority sites. The department shall make a determination that such an agreement is in the public interest. A prepayment~~

agreement requires a person to pay the department's remedial action costs, in advance, allowing the department to increase staff for the unanticipated workload. Agreements may cover one or more facilities. Whether the department can respond favorably to a request for a prepayment agreement will depend, in part, on the department and attorney general receiving authorization for the staffing necessary to implement the agreement. Persons interested in such an agreement are encouraged to contact the department early on to informally discuss the potential for using such an agreement at a facility.

(b) Prepayment agreements do not replace an order or decree but are preliminary to or work in conjunction with such documents. Persons entering into a prepayment agreement shall enter into good faith negotiations on an agreed order or consent decree governing remedial actions at the facility in accordance with the procedures described in WAC 173-340-520(1) or 173-340-530(2). Failure to successfully conclude such negotiations may result in the department withdrawing from the prepayment agreement or initiating enforcement action.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-600 Public notice and participation.

(1) Purpose. Public participation is an integral part of the department's responsibilities under the Model Toxics Control Act. The department's goal is to provide the public with timely information and meaningful opportunities for participation (~~(which)~~ that are commensurate with each site. The department will meet this goal through a public participation program that includes: The early planning and development of a site-specific public participation plan; the provision of public notices; a site register; public meetings or hearings; and the participation of regional citizens' advisory committees.

(2) Other requirements. In addition to the requirements in this section, other sections of this chapter contain specific notice requirements that must also be followed. See WAC 173-340-720 for notice requirements on an off-property conditional point of compliance and cleanup levels for ground water flowing into nearby surface water; WAC 173-340-545 for public notice requirements for private rights of action; WAC 173-340-440 for local government notification requirements for restrictive covenants; and WAC 173-340-310 for public notice requirements for emergency or interim actions required by the department as a result of an initial investigation.

(3) Criteria. In order to promote effective and meaningful public participation, the department may determine that public participation opportunities in addition to those specifically required by chapter 70.105D RCW, or this chapter, are appropriate and should be provided. In making this determination, the department may consider:

(a) Known or potential risks to human health and the environment that could be avoided or reduced by providing information to the public;

(b) Public concerns about the facility;

(c) The need to contact the public in order to gather information about the facility;

(d) The extent to which the public's opportunity to affect subsequent departmental decisions at the facility may be limited or foreclosed in the future;

(e) The need to prevent disclosure of confidential, unverified, or enforcement-sensitive information;

(f) The routine nature of the contemplated remedial action; and

(g) Any other factors as determined by the department.

~~((3))~~ (4) Public notice. Whenever public notice is required by chapter 70.105D RCW, the department shall, at a minimum, provide or require notice as described in this section except as specified for the biennial report in WAC 173-340-340.

(a) Request for notice. Notice shall be mailed to persons who have made a timely request. A request for notice is timely if received (~~(prior to)~~ before or during the public comment period for the current phase of remedial action at the facility. However, the receipt of a request for notice shall not require the department to extend the comment period associated with the notice.

(b) Mail. Notice shall be mailed to persons who reside within the potentially affected vicinity of the proposed action. The potentially affected vicinity shall include all property (~~(adjoining)~~ within and contiguous to the site and any other area that the department determines to be directly affected by the proposed action.

(c) Newspaper publication. Notice of the proposed action shall be published in the newspaper of largest circulation in the city or county of the proposed action, by one or more of the following methods: Display ad; legal notice; or any other appropriate format, as determined by the department.

(d) Other news media. Notice of the proposed action shall be mailed to any other news media (~~(which)~~ that the department determines to be appropriate. The department may consider how a medium compares with the newspaper of largest circulation in terms of: Audience reached; timeliness; adequacy in conveying the particular information in the notice; cost; or other relevant factors.

(e) Comment periods. All public notices shall indicate the public comment period on the proposed action. Unless stated otherwise, comment periods shall be for thirty days at a minimum. The department may extend the public comment period, as appropriate.

(f) Combining public comment requirements. Whenever reasonable, the department shall consolidate public notice and opportunities for public comment under this chapter with public notice and comment requirements under other laws and regulations.

~~((4))~~ (g) Site-specific risk assessment. For public notices describing cleanup plans that use site-specific risk assessment or would restrict future site or resource use, the public notice shall specifically identify the restrictions and invite comments on these elements of the cleanup plan. This notice shall also include a statement indicating the availability of public participation grants and of the department's Citizen Technical Advisor for providing technical assistance to

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citizens on site-specific risk assessment and other issues related to site remediation.

(5) Public meetings. During any comment period announced by a public notice issued under this chapter, if ten or more persons request a public meeting on the subject of the public notice, the department shall hold a public meeting for the purpose of receiving comments.

~~((5))~~ (6) Additional methods. In addition to "public notice" required by chapter 70.105D RCW, or this chapter, the department may use any of the following methods to provide information to the public:

- (a) Press releases;
- (b) Fact sheets;
- (c) Public meetings;
- (d) Publications;
- (e) Personal contact by department employees;
- (f) Posting signs at the facility;
- (g) Notice in the Site Register;
- (h) Any other methods as determined by the department.

~~((6))~~ (7) Site Register. The department shall regularly publish, make available electronically, and maintain a publication called the Site Register, ~~((giving))~~ which provides notice of the following:

- (a) Determinations of no further action under WAC 173-340-320;
- (b) Results of site hazard rankings;
- (c) Availability of annual and biennial reports;
- (d) Issuance of enforcement orders, agreed orders, or proposed consent decrees;
- (e) Public meetings or hearings;
- (f) Scoping notice of department-conducted ~~((state))~~ remedial investigation/feasibility study;
- (g) Availability of ~~((state))~~ remedial investigation/feasibility study reports and draft and final cleanup plans;
- (h) Change in site status or placing sites on or removing sites from the hazardous sites list under WAC 173-340-330;
- (i) Availability of engineering design reports under WAC 173-340-400;
- (j) Schedules developed under WAC 173-340-140;
- (k) Reports of independent cleanup actions received under WAC 173-340-300;
- (l) ~~((Commencement))~~ Beginning of negotiations or discussions under WAC 173-340-520 and 173-340-530;
- (m) Deadline extensions or missed deadlines under WAC 173-340-140; ~~((and))~~

(n) A summary of any notices received under WAC 173-340-545 for cleanup actions and interim actions being conducted where a private right of action is anticipated;

(o) A list of available department publications, including guidance, technical reports and policies pertinent to remedial actions;

(p) The results of department review of reports on independent remedial actions submitted under WAC 173-340-515; and

(q) Any other notice that the department ~~((deems))~~ considers appropriate for inclusion.

~~((7))~~ (8) Evaluation. As part of requiring or conducting a remedial action at any facility, the department shall evaluate public participation needs at the facility~~((including))~~.

The evaluation shall include an identification of the potentially affected vicinity for the remedial action. For sites where site-specific risk assessment is used, the department shall also evaluate public interest in the site, significant public concerns regarding future site use, and public values to be addressed through the public participation plan.

~~((8))~~ (9) Public participation plans.

(a) Scope. The public participation plans required by this section are intended to encourage a coordinated and effective public involvement tailored to the public's needs at a particular facility. The scope of a plan shall be commensurate with the nature of the proposed remedial actions; the level of public concern; and the risks posed by the facility.

(b) Early planning encouraged. In order to develop an appropriate plan, the department or potentially liable person (if submitting a plan to the department) should engage in an early planning process to assess the public participation needs at the facility. This process may include identifying and conferring with individuals, community groups, local governments, tribes, public agencies, or any other organizations that may have an interest in or knowledge of the facility.

(c) Plan development. The department shall develop the plan, or work with the potentially liable person to develop the plan. If a plan already exists for a facility, the department shall consider whether the existing plan is still appropriate or whether the plan should be amended. For example, a plan originally developed to address a ~~((state))~~ remedial investigation/feasibility study may need to be amended to address implementation phases.

(d) Plans required. As part of requiring or conducting a remedial action, except emergency actions, at any site that has been assigned a hazard ranking score, the department shall ensure that a public participation plan is developed and implemented. The department may also require the development of a public participation plan ~~((for facilities which have not been assigned a hazard ranking score))~~ as part of an agreed order (see WAC 173-340-530) or consent decree ~~((with a potentially liable person))~~ (see WAC 173-340-520) for facilities that have not been assigned a hazard ranking score.

(e) The department shall determine if the variables proposed to be modified in a site-specific risk assessment or alternative reasonable maximum exposure scenario may affect the significant public concerns regarding future land uses and exposure scenarios. If the department finds that those concerns may be affected, then ecology shall assure appropriate public involvement and comment opportunities will occur as identified in the public participation plan.

(f) Plan as part of order or decree. A potentially liable person will ordinarily be required to submit a proposed public participation plan as part of its request for an agreed order or a consent decree. If a plan already exists for the facility, the potentially liable person may either resubmit the existing plan with any proposed amendments or submit an entirely new proposed plan. The proposed plan may be revised during the course of discussions or negotiations on the agreed order (see WAC 173-340-530) or consent decree (see WAC 173-340-520).

The final public participation plan may become part of the agreed order or consent decree.

~~((f))~~ (g) Contents. The public participation plan shall include the following:

(i) Applicable public notice requirements and how these will be met, including: When public notice will occur; the length of the comment periods accompanying each notice; the potentially affected vicinity and any other areas to be provided notice, to the extent known.

(ii) Information repositories. The plan should identify at least one location where the public can review information about the remedial action. Multiple locations may be appropriate.

(iii) Methods of identifying the public's concerns. Such methods may include: Interviews; questionnaires; meetings; contacts with community groups or other organizations (~~(which))~~ that have an interest in the site; establishing citizen advisory groups for sites; or obtaining advice from the appropriate regional citizens' advisory committee.

(iv) Methods of addressing the public's concerns and conveying information to the public. These may include any of the methods listed in subsection ~~((5))~~ (6) of this section.

(v) Coordination of public participation requirements. The plan should identify any public participation requirements of other applicable federal, state or local laws, and address how such requirements can be coordinated. For example, if Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) applies to the proposed action, the plan should explain how CERCLA and this chapter's public comment periods will be coordinated.

(vi) Amendments to the plan. The plan should outline the process for amending the plan. Any amendments must be approved by the department.

(vii) Citizen technical advisor: A statement indicating the availability of the department's citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the site.

(viii) Any other elements that the department determines to be appropriate for inclusion in the final public participation plan.

~~((g))~~ (h) Implementation. The department shall retain approval authority over the actions taken by a potentially liable person to implement the plan.

~~((9))~~ (10) Consent decrees. In addition to any other applicable public participation requirements, the following shall be required for consent decrees.

(a) Public participation plan. A ~~((public participation))~~ plan ~~((which meets))~~ meeting the requirements of subsection ~~((8))~~ (9) of this section shall be developed when required by subsection ~~((8))~~ (9)(d) of this section.

(b) Notice of negotiations. When the department decides to proceed with negotiations it shall place a notice in the *Site Register* advising the public that negotiations have ~~((commenced))~~ begun. This notice shall include the name of the facility, a general description of the subject of the ~~((order))~~ consent decree and the deadlines for negotiations.

(c) Notice of proposed decree. The department shall provide or require public notice of proposed consent decree. The notice may be combined with notice of other documents under this chapter, such as a cleanup action plan, or under other laws. The notice shall briefly:

(i) Identify and generally describe the facility;
(ii) Identify the person(s) who are parties to the consent decree;

(iii) Generally describe the remedial action proposed in the proposed consent decree, including substantive permit requirements and institutional controls;

(iv) Indicate the date, place, and time of the public hearing on the proposed consent decree, Where a public hearing is not planned, indicate that a public hearing will only be held if at least ten persons request one and the procedures for requesting a public hearing; and

(v) Invite the public to comment at the public hearing (if applicable) or in writing. The public comment period shall run for at least thirty days from the date of the issuance of the notice.

(d) Public hearing. The department shall hold a public hearing on the proposed consent decree for the purpose of providing the public with an opportunity to comment when ever ten or more persons request a public hearing or when ever the department determines a public hearing is necessary.

(e) Revisions. If the state and the potentially liable person agree to substantial changes to the proposed consent decree, the department shall provide additional public notice and opportunity to comment.

(f) Extensions. The department shall publish in the next *Site Register* the extension of deadlines for designated high priority sites.

~~((10))~~ (11) Agreed orders. In addition to any other applicable public participation requirements, the following shall be required for agreed orders under WAC 173-340-530.

(a) Public participation plan. A plan meeting the requirements of subsection ~~((8))~~ (9) of this section shall be developed when required by subsection ~~((8))~~ (9)(d) of this section.

(b) Notice of discussions. When the department decides to proceed with discussions it shall place a notice in the *Site Register* advising the public that discussions have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for discussions.

(c) Notice of agreed orders. Public notice shall be provided by the department for any agreed order. For all agreed orders, notice shall be mailed no later than three days after the issuance of the agreed order. For all agreed orders ~~((covering a state remedial investigation/feasibility study))~~, the comment period shall be at least thirty days ~~((and shall be completed before the agreed order becomes effective))~~. ~~((For other agreed orders,))~~ The agreed order may be effective before the comment period is over, unless the department determines it is in the public interest to complete the public comment period ~~((prior to))~~ before the effective date of the agreed order. The department may determine that it is in the public interest to provide public notice ~~((prior to))~~ before the effective date of any agreed order or to hold a public meeting or hearing on the agreed order. ~~((This))~~ Notice of agreed orders shall briefly:

(i) Identify and generally describe the facility;
(ii) Identify the person(s) who are parties to the agreed order;

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(iii) Generally describe the remedial action proposed in the proposed agreed order, including substantive permit requirements and institutional controls; and

(iv) Invite the public to comment on the proposed agreed order.

(d) Revisions. If the department and the potentially liable person agree to substantial changes to the proposed agreed order, the department shall provide additional public notice and opportunity to comment.

(e) Extensions. The department shall publish in the next Site Register the extension of deadlines for designated high priority sites.

~~((11))~~ (12) Enforcement orders. In addition to any other applicable public participation requirements, the department shall provide public notice of all enforcement orders. Except in the case of emergencies, notice shall be mailed no later than three days after the date of the issuance of the order. In emergencies, notice shall be mailed no later than ten days after the issuance of the order.

(a) Contents of notice. All notices shall briefly:

(i) Identify and generally describe the facility;

(ii) Identify the person(s) who are parties to the order;

(iii) Generally describe the terms of the proposed order, including substantive permit requirements and institutional controls; and

(iv) Invite the public to comment on the proposed order.

(b) The department may amend the order on the basis of public comments. The department shall provide additional public notice and opportunity to comment if the order is substantially changed.

~~((12) State))~~ (13) Remedial investigation/feasibility study. In addition to any other applicable public participation requirements, the following shall be required during a ~~((state))~~ remedial investigation/feasibility study.

(a) Scoping. When the department elects to perform a ~~((state))~~ remedial investigation/feasibility study, the department shall provide public notice and an opportunity to comment on the scope of the ~~((state))~~ remedial investigation/feasibility study ~~((will be provided))~~.

(b) Extensions. The department shall publish in the next Site Register the extension of deadlines for designated high priority sites.

(c) Report. The department shall provide or require public notice of ~~((state))~~ remedial investigation/feasibility study reports prepared under WAC 173-340-350. This public notice may be combined with public notice of the draft cleanup action plan. At a minimum, public notice shall briefly:

(i) Describe the site and ~~((state))~~ remedial investigation/feasibility study results;

(ii) If available, identify the department's ~~((selected))~~ proposed cleanup action and provide an explanation for its selection;

(iii) Invite public comment on the report. The public comment period shall extend for at least thirty days from the date of mailing of the notice.

~~((13))~~ (14) Selection of cleanup actions. In addition to any other applicable public participation requirements, the department shall:

(a) Provide a notice of availability of draft or final cleanup action plans and a brief description of the proposed or selected alternative in the Site Register;

(b) Provide public notice of the draft cleanup action plan. A notice of a draft cleanup plan may be combined with notice on the ~~((state))~~ remedial investigation/feasibility study. Notice of a draft cleanup action plan may be combined with notice on a draft consent decree or on an order. At a minimum, public notice shall briefly:

(i) Describe the site;

(ii) Identify the department's proposed cleanup action and provide an explanation for its selection;

(iii) Invite public comment on the draft cleanup action plan. The public comment period shall run for at least thirty days from the date of ~~((issuance))~~ publication of the public notice.

~~((14))~~ (c) Whenever the cleanup action plan proposes a restrictive covenant as part of the draft cleanup plan, provide notice to and seek comments from the city or county department with land use planning authority for real property subject to the restrictive covenant. The purpose of this notification is to solicit comment on whether the proposed restrictive covenant is consistent with any current or proposed land use plans.

(15) Cleanup action implementation. In addition to any other applicable public participation requirements, the following shall be required during cleanup action implementation.

(a) Public notice and opportunity to comment on any plans prepared under WAC 173-340-400 that represent a substantial change from the cleanup action plan.

(b) When the department conducts a cleanup action, public notice and an opportunity to comment shall be provided on the engineering design report and notice shall be given in the Site Register.

~~((15))~~ (16) Routine cleanup and interim actions. In addition to any other applicable public participation requirements, the following will be required for routine cleanup actions and interim actions.

(a) Public notice shall be provided for any proposed routine cleanup or interim actions ~~((under WAC 173-340-130 or 173-340-430))~~. This public notice shall be combined with public notice of an order or settlement whenever practicable.

(b) At a minimum, public notice shall briefly:

(i) Describe the site;

(ii) Identify the proposed action, including proposed permit exemptions and institutional controls;

(iii) Identify the likely or planned schedule for the action;

(iv) Reference any planning documents prepared for the action;

(v) Identify department staff who may be contacted for further information; and

(vi) Invite public comment on the routine cleanup or interim action. The public comment period shall extend for at least thirty days from the date of the mailing of notice.

(17) Public participation grants. RCW 70.105D.070(4) requires funds be allocated for public participation grants to persons, including groups who may be adversely affected by

a release or threatened release of a hazardous substance. Persons interested in applying for such grants are encouraged to contact the department to learn about available funding, grant application procedures and deadlines. See chapter 173-321 WAC for additional information on public participation grants.

(18) Technical assistance. There is created within the department a citizen technical advisor office to provide independent technical assistance to citizens concerning the Model Toxics Control Act and remedial actions occurring under the act. This office will be established upon the effective date of this rule revision and continue for three years. Before the end of the three-year period, the department will work with citizen and business representatives to evaluate the effectiveness of this office and to determine whether the office should continue. The costs of this office shall be recovered by the department as provided for in WAC 173-340-550.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-610 Regional citizens' advisory committees. (1) The department shall establish regional citizens' advisory committees as part of a public participation program. The regional citizens' advisory committees are intended to promote meaningful and effective public involvement in the department's remedial action program under chapter 70.105D RCW. The committees will advise the department as to the concerns of citizens locally and regionally regarding the remedial actions within each committee's region, with emphasis on issues that affect the region as a whole, rather than site-specific concerns.

(2) Location. There shall be a regional citizens' advisory committee representing each geographic region of the state served by a regional office of the department.

(3) Membership. At any time, each committee shall have no fewer than five and no more than twelve members. The director shall, no later than July 1, 1990, appoint five members to each committee to represent citizens' interests in the region. These members shall serve three-year terms that may be renewed at the director's discretion. These members should represent citizen interests in the region.

(a) The director may appoint up to seven additional members to represent communities that may be affected by the remedial actions within each region. These members shall serve two-year terms that may be renewed at the director's discretion.

(b) At no time shall more than twenty-five percent of the membership of any committee consist of persons who are elected or appointed public officials or their representatives.

(c) The department shall advise the public as to whether any vacancies exist on the committees, and shall accept applications from interested citizens.

(d) The following persons shall not be eligible to serve on any committee:

(i) Persons whom the department has found are potentially liable persons under WAC 173-340-500 with regard to any facility that is currently the subject of department investigative, remedial or enforcement actions, not including compliance monitoring;

(ii) Agents or employees of such potentially liable persons as described in (d)(i) of this subsection; and

(iii) Agents or employees of the department.

(e) A member shall refrain from participating in a committee matter if that member for any reason cannot act fairly and in the public interest with regard to that matter.

(f) The director may dismiss a member for cause in accordance with the terms of the regional citizens' advisory committee charter.

(4) Meetings. The committees shall meet at least twice a year at the regional offices or elsewhere as agreed upon by a committee and the department. Appropriate department staff may attend these meetings. The department shall brief the committees on the program's major planned and ongoing activities for the year.

(a) The department and the committees may agree to additional meetings.

(b) Each committee will designate one of its members to serve as chair. The committee chairs shall meet every year with the program manager or his/her designee.

(c) All committee meetings shall be open to the public. The department shall inform the public of committee meetings.

(5) Resources (~~to be~~) allocated to the committees.

(a) The department shall determine, after consulting with the committees, the amount of staff time and other department resources that shall be available to the committees for each biennium.

(b) The department shall designate staff to work with the committees.

(c) Members shall be reimbursed for travel expenses (as provided for in chapter 43.03 RCW) for any meetings approved by the department.

(6) Responsibilities. The committees are directed to:

(a) Meet at least twice annually;

(b) Inform citizens within each region as to the existence of the committees and their availability as a resource;

(c) Review the department's biennial program priorities, and advise the department of citizen concerns regarding the program priorities;

(d) Advise the department (~~on a timely basis of citizen concerns regarding investigative or remedial activities within each region, and where possible, suggest ways in which the department can address those concerns~~) of community concerns about the cleanup program's activities and develop proposals for addressing these concerns. Committees may use issues at specific sites as a foundation for understanding regional issues;

(e) Annually prepare a brief report to the department describing:

(i) Major citizen concerns that have been brought to the committee's attention during the past year;

(ii) Any committee proposals or recommendations to address these concerns;

(iii) The committee's plans for the coming year; and

(iv) Any other information or issues which the committee believes appropriate for inclusion.

~~((7))~~ (f) The committees are encouraged to work with the department and the public to develop additional committee goals or responsibilities.

PART VII—CLEANUP STANDARDS

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-700 Overview of cleanup standards.

(1) **Purpose.** This section provides an overview of the methods for establishing cleanup standards that apply to a release or threatened release of a hazardous substance at a site. If there are any inconsistencies between this section and any specifically referenced section, the referenced section shall govern.

(2) ~~((Cleanup standards versus selection of cleanup actions.))~~ **Explanation of term "cleanup level."** A cleanup level is the concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions. Cleanup levels, in combination with points of compliance, typically define the area or volume of soil, water, air or sediment at a site that must be addressed by the cleanup action.

(3) **Explanation of term "cleanup standards."** Cleanup standards consist of the following:

(a) Cleanup levels for hazardous substances present at the site;

(b) The location where these cleanup levels must be met (point of compliance); and

(c) Other regulatory requirements that apply to the site because of the type of action and/or location of the site ("applicable state and federal laws").

(4) **Relationship between cleanup standards and cleanup actions.**

(a) Cleanup standards are identified for the particular hazardous substances at a site and the specific areas or pathways, such as land or water, where humans and the environment can become exposed to these substances. This part provides uniform methods state-wide for identifying cleanup standards and requires that all cleanups under the act meet these standards. The actual degree of cleanup may vary from site to site and will be determined by the cleanup action alternative selected under WAC ~~((173-340-360))~~ 173-340-350 through 173-340-390. ~~((Establishing cleanup standards for individual sites requires the specification of the following:~~

~~(i) Hazardous substance concentrations that protect human health and the environment ("cleanup levels");~~

~~(ii) The location on the site where those cleanup levels must be attained ("points of compliance"); and~~

~~(iii) Additional regulatory requirements that apply to a cleanup action because of the type of action and/or the location of the site. These requirements are specified in applicable state and federal laws and are generally established in conjunction with the selection of a specific cleanup action.))~~

(b) For most sites, there are several cleanup technologies or combinations of cleanup technologies ("cleanup action alternatives") that may be used to comply with cleanup standards at individual sites. Other parts of this rule govern the process for planning and deciding on the cleanup action to be taken at a site. ~~((For example,))~~ This may include establishing "remediation levels" or the concentrations of hazardous

substances above which a particular cleanup technology will be applied. See WAC 173-340-350 ((State remedial investigation and feasibility study) (RI/FS) specifies the studies that are prepared to define the nature and extent of contamination ("RI") and to identify and evaluate cleanup action alternatives ("FS"). WAC 173-340-360 (Selection of cleanup actions) specifies the criteria for selecting the preferred alternative)) through 173-340-390. WAC 173-340-355 contains detailed information on establishing remediation levels. WAC 173-340-410 specifies the monitoring required to ((assure)) ensure that the remedy is effective.

~~(c) ((The department recognizes that cleanup actions selected under WAC 173-340-360 may involve))~~ Where a cleanup action involves containment of soils with hazardous substances((-In these cases)) above cleanup levels, the cleanup action may be determined to comply with cleanup standards, provided the compliance monitoring program is designed to ensure the long-term integrity of the containment system, and the other requirements for containment ((technologies in WAC 173-340-360(8))) in this chapter are met.

~~((3) Three basic methods for establishing cleanup levels.))~~ (5) **Methods for setting cleanup levels.** The first step in setting cleanup levels is to identify the nature of the contamination, the potentially contaminated media, the current and potential pathways of exposure, the current and potential receptors, and the current and potential land and resource uses. A conceptual site model may be developed as part of this scoping process. Cleanup levels may then be established for each media. Both the conceptual site model and cleanup levels may be refined as additional information is collected during the remedial investigation/feasibility study. These rules provide three approaches for establishing cleanup levels:

(a) **Method A: ARARs and Tables.** On some sites, the cleanup action may be routine (WAC ~~((173-340-130))~~ 173-340-200) or may involve relatively few hazardous substances. Under Method A, cleanup levels ~~((for hazardous substances are established))~~ at these sites are set at concentrations at least as stringent as concentrations specified in applicable state and federal laws and Tables ~~((1, 2, or 3))~~ 720-1, 740-1, and 745-1 of this chapter.

Method A cleanup levels for hazardous substances not addressed under applicable state and federal laws or Tables ~~((1, 2, or 3))~~ 720-1, 740-1, and 745-1 are established at concentrations which do not exceed the natural background concentration or the practical quantitation limit for the substance in question.

For soil contamination, the Method A cleanup level must not result in any significant adverse effects on the protection and propagation of terrestrial ecological receptors. This determination must be made in accordance with the requirements and procedures specified in WAC 173-340-7490 through 173-340-7494. Specifically, either an exclusion must be established for the site under WAC 173-340-7491 or a terrestrial ecological evaluation must be conducted under WAC 173-340-7492 or 173-340-7493. If the Method A cleanup level is not protective of terrestrial ecological receptors, then a Method B or Method C soil cleanup level, as appropriate for the site, must be established.

Except where institutional controls are required by WAC 173-340-440(4), site cleanups that achieve Method A cleanup levels may be used without future restrictions on the property due to residual levels of contamination.

(b) **Method B: ~~((Standard))~~ Universal method.** Method B is the ~~((standard))~~ universal method for determining cleanup levels for ~~((ground water, surface water, soil, and air))~~ all media at all sites. Under Method B, cleanup levels for individual hazardous substances are established using applicable state and federal laws ~~((or))~~ and the risk equations and other requirements specified in WAC 173-340-720 through ~~((173-340-750))~~ 173-340-760.

Method B is divided into two tiers: Standard and modified. Standard Method B uses generic default assumptions to calculate cleanup levels. Modified Method B provides for the use of chemical-specific or site-specific information to change selected default assumptions, within the limitations allowed in WAC 173-340-708. Modified Method B may be used to establish cleanup levels.

Modified Method B may also be used in a quantitative risk assessment to help assess the protectiveness of a remedy by modifying input parameters as described in WAC 173-340-720 through 173-340-750 or by using other modifications that meet the requirements of WAC 173-340-702 and 173-340-708. See WAC 173-340-355 and 173-340-357 for more information on remediation levels and quantitative risk assessment.

For individual carcinogens, both standard and modified Method B cleanup levels are based upon the upper bound of the estimated excess lifetime cancer risk of one in one million (1×10^{-6}).

For individual noncarcinogenic substances, both standard and modified Method B cleanup levels are set at concentrations which are anticipated to result in no acute or chronic toxic effects on human health ~~((and the environment))~~ (that is, hazard quotient of one (1) or less) and no significant adverse effects on the propagation of aquatic and terrestrial organisms.

Where a hazardous waste site involves multiple hazardous substances and/or multiple pathways of exposure, then standard and modified Method B cleanup levels for individual substances must be ~~((modified))~~ adjusted downward for additive health effects in accordance with the procedures in WAC 173-340-708~~((Under this method,))~~ if the total excess lifetime cancer risk for a site ~~((shall not))~~ exceeds one in one hundred thousand (1×10^{-5}) ~~((and))~~ or the hazard index for substances with similar noncarcinogenic toxic effects ~~((shall not))~~ exceeds one (1).

For soil contamination, the Method B cleanup level must not result in any significant adverse effects on the protection and propagation of terrestrial ecological receptors. This determination must be made in accordance with the requirements and procedures specified in WAC 173-340-7490 through 173-340-7494. Specifically, either an exclusion must be established for the site under WAC 173-340-7491 or a terrestrial ecological evaluation must be conducted under WAC 173-340-7492 or 173-340-7493. The terrestrial ecological evaluation may result in a more stringent Method B

soil cleanup level for the site than is required to protect human health.

Except where institutional controls are required by WAC 173-340-440(4), site cleanups that achieve Method B cleanup levels may be used without future restrictions on the property due to residual levels of contamination.

(c) **Method C: Conditional method.** Compliance with cleanup levels developed under ~~((the))~~ Method A or B may be impossible to achieve or may cause greater environmental harm. In those situations, Method C cleanup levels for individual hazardous substances may be established ~~((on the basis of applicable state and federal laws and a site-specific risk assessment))~~ for surface water, ground water, and air. Method C industrial soil and air cleanup levels may also be established at industrial properties ~~((which))~~ that meet the criteria in WAC 173-340-745.

Under Method C, cleanup levels for individual hazardous substances are established using applicable state and federal laws and the risk equations and other requirements specified in WAC 173-340-720 through 173-340-760. Method C is divided into two tiers: Standard and modified. Standard Method C uses generic default assumptions to calculate cleanup levels. Modified Method C provides for the use of chemical-specific or site-specific information to change selected default assumptions, within the limitations allowed in WAC 173-340-708. Modified Method C may be used to establish cleanup levels.

Modified Method C may also be used in a quantitative risk assessment to help assess the protectiveness of a remedy by modifying input parameters as described in WAC 173-340-720 through 173-340-750 or by using other modifications that meet the requirements of WAC 173-340-702 and 173-340-708. See WAC 173-340-355 and 173-340-357 for more information on remediation levels and quantitative risk assessment.

For individual carcinogens, both standard and modified Method C cleanup levels are based upon the upper bound of the estimated lifetime cancer risk of one in one hundred thousand (1×10^{-5}).

For individual noncarcinogenic substances, both standard and modified Method C cleanup levels are set at concentrations which are anticipated to result in no acute or chronic toxic effects on human health (that is, hazard quotient of one (1) or less) and no significant adverse effects on the protection and propagation of aquatic and terrestrial organisms.

Where a hazardous waste site involves multiple hazardous substances and/or multiple pathways of exposure, then both standard and modified Method C cleanup levels for individual substances must be ~~((modified))~~ adjusted downward for additive health effects in accordance with the procedures in WAC 173-340-708~~((Under this method,))~~ if the total excess lifetime cancer risk for a site ~~((shall not))~~ exceeds one in one hundred thousand (1×10^{-5}) ~~((and))~~ or the hazard index for substances with similar noncarcinogenic toxic effects ~~((shall not))~~ exceeds one (1).

~~((4-Additional))~~ For soil contamination, the Method C cleanup level must not result in any significant adverse effects on the protection and propagation of terrestrial ecological receptors. This determination must be made in accor-

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dance with the requirements and procedures specified in WAC 173-340-7490 through 173-340-7494. Specifically, either an exclusion must be established for the site under WAC 173-340-7491 or a terrestrial ecological evaluation must be conducted under WAC 173-340-7492 or 173-340-7493. The terrestrial ecological evaluation may result in a more stringent Method C soil cleanup level for the site than is required to protect human health.

Site cleanups establishing Method C cleanup levels must have restrictions placed on the property (institutional controls) to ensure future protection of human health and the environment.

(6) Requirements for setting cleanup levels. Several requirements apply to cleanups under any of the three ((basic)) methods. Some of these requirements, such as the identification of applicable state and federal laws, describe analyses used along with Methods A, B or C in order to set cleanup levels for particular substances at a site. Others describe the technical procedures to be used.

(a) **Applicable state and federal laws.** RCW 70.105D.030 (2)(d) requires the cleanup standards in these rules to be "at least as stringent as all applicable state and federal laws." In addition to establishing minimum requirements for cleanup standards, applicable state and federal laws may also impose certain technical and procedural requirements for performing cleanup actions. These requirements are described in WAC 173-340-710 and are similar to the "ARAR" (applicable, relevant and appropriate requirements) approach of the federal superfund law. Sites that are cleaned up under an order or decree may be exempt from obtaining a permit under certain other laws but they must still meet the substantive requirements of these other laws. (See WAC 173-340-710(9).)

(b) **Cross-media contamination.** In some situations, migration of hazardous substances from one medium may cause contamination in a second media. For example, the release of hazardous substances in soil may cause ground water contamination. Under Methods A, B, and C, cleanup levels must be established at concentrations ((which)) that prevent violations of cleanup levels for other media ((following implementation of the cleanup action)).

(c) **Risk assessment procedures.** The analyses performed under Methods B and C use several factors for defining cleanup levels for carcinogens and noncarcinogens. The individual factors and procedures for modifying these factors based on ((new scientific)) site-specific information are specified in WAC 173-340-708 and 173-340-720 through 173-340-750. WAC 173-340-708 also provides rules for use of indicator hazardous substances. The standards for review of new scientific information are described in WAC 173-340-702 (14), (15) and (16).

(d) **Natural background and analytical considerations.** ((Cleanup levels shall not exceed concentrations established under methods A, B, or C except where the natural background concentration is greater than the cleanup level established under those methods. In such)) In some cases, cleanup levels calculated using the methods specified in this chapter are less than natural background levels or levels that can be reliably measured. In those situations, the cleanup

level shall be established at a concentration equal to the practical quantitation limit or natural background concentration, whichever is higher. See WAC 173-340-707 and 173-340-709 for additional information.

~~((5) Threshold criteria for all cleanup actions. WAC 173-340-360 specifies that all cleanup actions conducted under this chapter shall protect human health and the environment, comply with cleanup standards and applicable state and federal laws, and provide for compliance monitoring. These are the threshold criteria and all cleanup actions must meet these criteria regardless of other factors such as cost or technical limitations.~~

~~(6) Measuring compliance.)) (7) Procedures for demonstrating compliance with cleanup standards.~~ Setting cleanup standards also involves being able to demonstrate that they have been met. This involves specifying where on the site the cleanup levels must be met ("points of compliance"), how long it takes for a site to meet cleanup levels ("restoration time frame"), and conducting sufficient monitoring to demonstrate that the cleanup standards have been met and will continue to be met in the future. The provisions for establishing points of compliance are in WAC 173-340-720 through 173-340-750. The provisions for establishing restoration time frames are in WAC 173-340-360. The compliance monitoring plan prepared under WAC 173-340-410 specifies precisely how these are measured for each site. ~~((Where cleanup levels are below the practical quantitation limit, compliance with cleanup standards will be based upon the practical quantitation limit.~~

~~(7) Administrative principles for cleanup standards.~~

~~(a) Remedial actions under this chapter shall be conducted in a manner that is consistent with this section. This section shall be used in combination with WAC 173-340-130, the more specific sections in Part VII of this chapter and WAC 173-340-360.~~

~~(b) Establishing cleanup standards and selecting an appropriate cleanup action involves many technical and public-policy decisions. This chapter is intended to constrain the range of decisions needed to be made on individual sites to promote expeditious cleanups.~~

~~(c) The act contains policies which state, in part, each person has a fundamental and inalienable right to a healthful environment and it is essential that sites be cleaned up well. Consistent with these policies, cleanup standards under this chapter shall be established which provide conservative estimates of human health and environmental risks which protect susceptible individuals as well as the general population.~~

~~(d) Cleanup standards under this chapter shall be established which protect human health and the environment for current and potential future site and resource uses.~~

~~(e) Cleanup actions that achieve cleanup levels under methods A, B or C (as applicable) and comply with applicable state and federal laws shall be presumed to be protective of human health and the environment.~~

~~(f) Except as provided for in applicable state and federal laws, cost shall not be a factor in determining what cleanup level is protective of human health and the environment. In addition, where specifically provided for in this chapter, cost may be appropriate for certain other determinations related to~~

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cleanup standards such as point of compliance. Cost shall, however, be considered when selecting an appropriate cleanup action.

(g) At most sites, there is more than one hazardous substance and more than one pathway for hazardous substances to get into the environment. For many sites there is more than one technology that could address each of these. When evaluating cleanup action alternatives it is appropriate to consider a representative range of technologies that could address each of these as well as different combinations of these technologies to accomplish the overall site cleanup.

(h) The cleanup of a particular media of a site will often affect other media at the site. These cross-media impacts shall be considered when establishing cleanup standards and selecting a cleanup action. Cleanup actions conducted under this chapter shall use appropriate engineering controls or other measures to minimize these cross-media impacts.

(i) In general, cleanup levels must be met throughout a site before the site will be considered to be clean. A remedy that leaves hazardous substances on a site in excess of cleanup levels may qualify as a cleanup action as long as the remedy is protective of human health and the environment, meets cleanup levels at specified points of compliance, complies with applicable state and federal laws, provides for adequate monitoring, and incorporates appropriate institutional controls. However, these rules are intended to promote thorough cleanups rather than long-term partial cleanups or containment measures.)) At sites where remediation levels are used, the compliance monitoring plan will also need to describe the performance monitoring to be conducted to demonstrate the remediation levels have been achieved.

(8) Specific procedures for setting cleanup levels at petroleum contaminated sites. In addition to the other requirements in this section, this chapter provides for the following specific procedures to establish cleanup levels at sites where there has been a release of total petroleum hydrocarbons (TPH) and hazardous substances associated with a release of TPH.

(a) For soil contamination, the soil cleanup level must not result in any significant adverse effects on the protection and propagation of terrestrial ecological receptors. This determination must be made in accordance with the requirements and procedures specified in WAC 173-340-7490 through 173-340-7494. Specifically, either an exclusion must be established for the site under WAC 173-340-7491 or a terrestrial ecological evaluation must be conducted under WAC 173-340-7492 or 173-340-7493. The terrestrial ecological evaluation may result in a more stringent soil cleanup level than is required to protect human health. If the Method A cleanup level is not protective of terrestrial ecological receptors, then a Method B or Method C soil cleanup level, as appropriate for the site, must be established.

(b) It is necessary to analyze for and evaluate certain carcinogenic and noncarcinogenic hazardous substances that may be associated with a release of TPH. These are identified in Table 830-1. In cases where the cleanup level for one or more of these associated hazardous substances is exceeded but the TPH cleanup level is not, the cleanup level shall be based on the associated hazardous substance.

(i) **Method A.** Method A may be used to establish cleanup levels for TPH and associated hazardous substances at qualifying sites (see WAC 173-340-704). At these sites, the presence, location and concentration of TPH may be established by using the NWTPH method described under Method 7 (see WAC 173-340-830 (3)(a)(vii)). The NWTPH method is a simplified, and relatively inexpensive, analytical method for evaluating TPH. Method A cleanup levels have been determined for four common petroleum mixtures: Gasoline range organics (GRO), diesel range organics (DRO), heavy oils, and electrical insulating mineral oil, as well as many hazardous substances that may be associated with the TPH. A site owner may decide to use Method A for some substances or media and Method B or C for others, depending upon site conditions and qualifications.

(ii) **Method B and Method C tiered approach.** This chapter provides for a three-tiered approach for establishing Method B and Method C cleanup levels at sites that involve a release of TPH. These tiers are not required to be approached sequentially (that is, the process may be started at any tier). The tiered process allows one to calculate different cleanup levels for TPH and associated hazardous substances using progressively more complex and site-specific information, and also allows for basing the cleanup levels on the presence or absence of exposure pathways, determined as part of the conceptual site model. In establishing a TPH cleanup level using the tiered process, it is still necessary to comply with other requirements and procedures under WAC 173-340-700 through 173-340-760.

(A) Conceptual site model. The first step in setting Method B or C cleanup levels for TPH is to identify the nature of the contamination, the potentially contaminated media, the current and potential pathways of exposure, the current and potential receptors, and the current and potential land and resource uses. A conceptual site model should be developed as part of this scoping process.

(B) General description of the three tiers.

(I) Tier 1 consists of the standard Method B and Method C formulas and requirements under WAC 173-340-720 through 173-340-750 for each applicable pathway identified by the conceptual site model, including specific requirements set forth in those sections for petroleum mixtures.

(II) Tier 2 consists of the site-specific use of modified Method B and Method C formulas and requirements under WAC 173-340-720 through 173-340-750 for each applicable exposure pathway identified by the conceptual site model; and inclusion and development of additional, site-specific exposure pathways not addressed in Method A or Tier 1. Consideration of current and future site uses may be considered in establishing remediation levels.

(III) Tier 3 consists of the site-specific use of standard or modified Method B and Method C formulas and requirements for each applicable exposure pathway identified by the conceptual site model and the use of new scientific information to establish a cleanup level as provided under WAC 173-340-702 (14), (15) and (16). It is considered a more complex evaluation in terms of technical sophistication (such as the use of new fate and transport models), data needs, cost and

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time. Consideration of current and future site uses may be considered in establishing remediation levels.

(IV) A single tier may be used for all exposure pathways or more than one tier may be used when there are multiple exposure pathways.

(C) **Fractionated approach.** Method B and Method C cleanup levels for TPH are determined using the fractionated analytical approach for petroleum as described under Method 7 (see WAC 173-340-830 (3)(a)(vii)). This approach divides the TPH mixture into equivalent carbon numbers. Use of the fractionated approach requires testing or knowledge to define product composition as described under subsection (8)(b)(ii)(D) of this section ("Determination of product composition"). For direct contact with contaminated media, cleanup levels are calculated using reference doses that have been determined by the department for each fraction. Cleanup levels can also be calculated based on the measured or predicted ability of the fractions to migrate from one medium to other media. The most conservative of the calculated cleanup levels are to be used, depending on the results of the conceptual site model.

(D) **Determination of product composition.** Product composition may be determined by analyzing each sample in accordance with the VPH/EPH method described under Method 7 (see WAC 173-340-830 (3)(a)(vii)). Alternatively, product composition may be determined by one of the following methods:

(I) **Correlation.** Where WTPH or NWTPH methods described in Method 7 are used to collect and analyze the presence, location and concentration of TPH, knowledge of the fraction-specific composition of the petroleum released at the site may be based on analysis and correlation of a portion of the site samples with both the VPH/EPH and WTPH/NWTPH methods.

(II) **Retrofitting.** Where WTPH or NWTPH methods were used to collect and analyze the presence, location and concentration of TPH before the effective date of this provision, knowledge of the fraction-specific composition of the petroleum released at the site may be based on the fraction-specific composition assumptions used by the department to calculate Method A cleanup levels, which the department shall publish in guidance. If the identity of the petroleum product released at the site is not known, or is a mixture of products, retrofitting under this provision shall be based on the composition that yields the lowest TPH cleanup level.

(E) **Consultation with the department.** Because of the complexity of the development of site-specific Method B and Method C petroleum cleanup levels using the second or third tiers described above, or the use of correlated or retrofitted data, persons planning on using these methods are encouraged to contact the department to obtain appropriate technical guidance.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-702 General policies. (1) **Purpose.** This section defines the general policies and principles that ((the department)) shall ((utilize to ensure that cleanup stan-

~~ards under this chapter are established and implemented in a scientifically and technically sound manner)) be followed when establishing and implementing cleanup standards. This section shall be used in combination with other sections of this chapter.~~

(2) **Policy on expediting cleanups.** Establishing cleanup standards and selecting an appropriate cleanup action involves many technical and public policy decisions. This chapter is intended to constrain the range of decisions made on individual sites to promote expeditious cleanups.

(3) **Goal for cleanups.** The Model Toxics Control Act contains policies that state, in part, each person has a fundamental and inalienable right to a healthful environment and it is essential that sites be cleaned up well. Consistent with these policies, cleanup standards and cleanup actions selected under this chapter shall be established that provide conservative estimates of human health and environmental risks that protect susceptible individuals as well as the general population.

(4) **Current and potential site and resource uses.** Cleanup standards and cleanup actions selected under this chapter shall be established that protect human health and the environment for current and potential future site and resource uses.

(5) **Presumption for cleanup actions.** Cleanup actions that achieve cleanup levels at the applicable point of compliance under Methods A, B, or C (as applicable) and comply with applicable state and federal laws shall be presumed to be protective of human health and the environment.

(6) **Cost considerations.** Except as provided for in applicable state and federal laws, cost shall not be a factor in determining what cleanup level is protective of human health and the environment. In addition, where specifically provided for in this chapter, cost may be appropriate for certain other determinations related to cleanup standards such as point of compliance. Cost shall, however, be considered when selecting an appropriate cleanup action.

(7) **Cleanup action alternatives.** At most sites, there is more than one hazardous substance and more than one pathway for hazardous substances to get into the environment. For many sites there is more than one method of cleanup (cleanup action component) that could address each of these. When evaluating cleanup action alternatives it is appropriate to consider a representative range of cleanup action components that could address each of these as well as different combinations of these components to accomplish the overall site cleanup.

(8) **Cross-media impacts.** The cleanup of a particular medium at a site will often affect other media at the site. These cross-media impacts shall be considered when establishing cleanup standards and selecting a cleanup action. Cleanup actions conducted under this chapter shall use appropriate engineering controls or other measures to minimize these cross-media impacts.

(9) **Relationship between cleanup levels and cleanup actions.** In general, cleanup levels must be met throughout a site before the site will be considered clean. A cleanup action that leaves hazardous substances on a site in excess of cleanup levels may be acceptable as long as the cleanup

action complies with WAC 173-340-350 through 173-340-390. However, these rules are intended to promote thorough cleanups rather than long-term partial cleanups or containment measures.

~~((2))~~ **(10) Relationship to federal cleanup law.** When evaluating cleanup actions performed under the federal cleanup law, the department shall consider WAC 173-340-350, 173-340-355, 173-340-357, 173-340-360 ~~(and)~~, 173-340-410, 173-340-420, 173-340-440, 173-340-450, 173-340-700 through 173-340-760, and 173-340-830 to be ~~((a))~~ legally applicable requirements under Section 121(d) of the Federal Cleanup Law.

~~((3) Regulation update)~~ **(11) Reviewing and updating cleanup standards.** The department shall review and, as appropriate, update WAC 173-340-700 through 173-340-760 ~~((no less frequently than))~~ at least once every five years.

~~((4))~~ **(12) Applicability of new cleanup levels.**

(a) For cleanup actions conducted by the department, or under an order or decree, the department shall determine the cleanup level that applies to a release based on the rules in effect under this chapter at the time the department issues a final cleanup action plan for that release.

(b) In reviewing the adequacy of independent remedial actions, the department shall determine the cleanup level that applies to a release based on the rules in effect at the time the final cleanup action for that release began or in effect when the department reviews the cleanup action, whichever is less stringent.

(c) A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provisions in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.

(d) Nothing in this subsection constitutes a settlement or release of liability under the Model Toxics Control Act.

~~(13) Institutional controls.~~ Institutional controls ~~((under WAC 173-340-440))~~ shall be required whenever ~~((a cleanup action results in residual concentrations of hazardous substances which exceed method A or method B cleanup levels, as applicable, or conditional points of compliance are approved by the department under WAC 173-340-720 through 173-340-760. Institutional controls shall also be required when cleanup levels are established under WAC 173-340-745))~~ any of the circumstances identified in WAC 173-340-440(4) are present at a site.

~~((5))~~ **(14) Burden of proof.** Any person responsible for undertaking a cleanup action under this chapter who proposes to:

(a) Use a reasonable maximum exposure scenario other than the default provided for each medium;

(b) Use assumptions other than the default values provided for in this chapter;

(c) Establish a cleanup level under Method C; or

(d) Use a conditional point of compliance, shall have the burden of demonstrating to the department that requirements in this ~~((part))~~ chapter have been met to ~~((assure))~~ ensure protection of human health and the environment. The department

shall only approve ~~((cleanup levels under method C or conditional points of compliance))~~ of such proposals when it determines that ~~((that the person undertaking the cleanup actions met))~~ this burden of proof is met.

~~((6))~~ **(15) New scientific information.** The department shall consider new scientific information when establishing cleanup levels and remediation levels for individual sites. In making a determination on how to use this new information, the department shall, as appropriate, consult with the science advisory board, the department of health, and the United States Environmental Protection Agency. Any proposal to use new scientific information shall meet the quality of information requirements in subsection (16) of this section. To minimize delay in cleanups, any proposal to use new scientific information should be introduced as early in the cleanup process as possible. Proposals to use new scientific information may be considered up to the time of issuance of the final cleanup action plan governing the cleanup action for a site unless triggered as part of a periodic review under WAC 173-340-420 or through a reopener under RCW 70.105D.040 (4)(c).

(16) Criteria for quality of information.

(a) The intent of this subsection is to establish minimum criteria to be considered when evaluating information used by or submitted to the department proposing to modify the default methods or assumptions specified in this chapter or proposing methods or assumptions not specified in this chapter for calculating cleanup levels and remediation levels. This subsection does not establish a burden of proof or alter the burden of proof provided for elsewhere in this chapter.

(b) When deciding whether to approve or require modifications to the default methods or assumptions specified in this chapter for establishing cleanup levels and remediation levels or when deciding whether to approve or require alternative or additional methods or factors, the department shall consider information submitted by all interested persons and the quality of that information. When evaluating the quality of the information the department shall consider the following factors, as appropriate for the type of information submitted:

(i) Whether the information is based on a theory or technique that has widespread acceptance within the relevant scientific community;

(ii) Whether the information was derived using standard testing methods or other widely accepted scientific methods;

(iii) Whether a review of relevant available information, both in support of and not in support of the proposed modification, has been provided along with the rationale explaining the reasons for the proposed modification;

(iv) Whether the assumptions used in applying the information to the facility are valid and would ensure the proposed modification would err on behalf of protection of human health and the environment;

(v) Whether the information adequately addresses populations that are more highly exposed than the population as a whole and are reasonably likely to be present at the site; and

(vi) Whether adequate quality assurance and quality control procedures have been used, any significant anomalies are adequately explained, the limitations of the information are

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identified, and the known or potential rate of error is acceptable.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-704 Use of Method A. (1) **Applicability.** Method A may be used to establish cleanup levels at the following types of sites:

(a) Sites undergoing routine cleanup actions as defined in WAC ((~~173-340-130~~) 173-340-200); or

(b) Sites where numerical standards are available in this chapter or applicable state and federal laws for all indicator hazardous substances in ((~~all~~) the media ((of concern))) for which the Method A cleanup level is being used.

(c) In addition, sites using Method A must meet the following conditions:

(i) The site has few hazardous substances; and

(ii) For establishing soil cleanup levels only, the site qualifies under WAC 173-340-7491 for an exclusion from conducting a simplified or site-specific terrestrial ecological evaluation, or it can be demonstrated using a terrestrial ecological evaluation under WAC 173-340-7492 or 173-340-7493 that the Method A soil cleanup levels are ecologically protective for the site.

(2) **Procedures.** Method A cleanup levels shall be established in accordance with the procedures in WAC 173-340-720 through 173-340-760. Method A cleanup levels shall be at least as stringent as all of the following:

(a) Concentrations of individual hazardous substances listed in ((~~the~~) Tables ((in WAC 173-340-720, 173-340-740, or 173-340-745)) 720-1, 740-1, or 745-1 in this chapter;

(b) Concentrations of individual hazardous substances established under applicable state and federal laws; and

(c) For individual hazardous substances deemed indicator hazardous substances for the medium of concern under WAC 173-340-708(2) and not addressed under (a) and (b) of this subsection, concentrations that do not exceed natural background levels or the practical quantitation limit for the substance in question.

(3) **More stringent cleanup levels.** The department may establish Method A cleanup levels more stringent than those required by subsection (2) of this section, when based on a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708.

(4) ((~~Caution on misusing method A tables. Method A tables have been developed for specific purposes. They are intended to provide conservative cleanup levels for sites undergoing routine cleanup actions or those sites with relatively few hazardous substances. The tables may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in these tables should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in these tables do not necessarily trigger requirements for~~

~~cleanup action under this chapter.~~) **Remediation levels.** Under Method A, the Method B formulas may be modified for the purpose of using a human health risk assessment to evaluate the protectiveness of a remedy. WAC 173-340-708 (3) and (10) describe the adjustments that can be made to the Method B formulas. Also see WAC 173-340-355 and 173-340-357 for more detailed information on remediation levels and quantitative risk assessment.

(5) **Inconsistencies.** If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-705 Use of Method B. (1) **Applicability.** Method B is applicable to all sites. It shall be used to develop cleanup levels unless one or more of the conditions for using Method A or Method C are demonstrated to exist and the person conducting the cleanup action elects to ((~~utilize~~) use) that method.

(2) **Cleanup levels.** Method B consists of two approaches, standard and modified. Standard Method B uses default formulas, assumptions, and procedures to develop cleanup levels. Under modified Method B chemical-specific or site-specific information may be used to change certain assumptions to calculate different cleanup levels. When the term "Method B" is used in this chapter, it means both standard and modified Method B. Method B cleanup levels shall be established in accordance with the procedures in WAC 173-340-720 through 173-340-760. Method B cleanup levels shall be at least as stringent as all of the following:

(a) Concentrations of individual hazardous substances established under applicable state and federal laws;

(b) Concentrations ((~~which~~) that) are estimated to result in no adverse effects on the protection and propagation of aquatic ((~~and terrestrial~~) life, and no significant adverse effects on terrestrial ecological receptors using the procedures specified in WAC 173-340-7490 through 173-340-7494;

(c) For hazardous substances for which sufficiently protective, health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which protect human health ((~~and the environment~~)) as determined by the following methods:

(i) Concentrations ((~~which~~) that) are estimated to result in no acute or chronic toxic effects on human health as determined using a hazard quotient of one (1) and the procedures specified in WAC 173-340-720 through 173-340-760;

(ii) For known or suspected carcinogens, concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to one in one million (1×10^{-6}) as determined using the procedures specified in WAC 173-340-720 through 173-340-760; and

(iii) Concentrations ((~~which~~) that) eliminate or minimize the potential for food chain contamination((~~; and~~) as necessary to protect human health.

(3) **More stringent cleanup levels.** The department may establish Method B cleanup levels that are more strin-

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gent than those required by subsection (2) of this section, when based upon a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708.

(4) Multiple hazardous substances or pathways. Concentrations of individual hazardous substances established under subsections (2) and (3) of this section, including those based on applicable state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting from more than one pathway of exposure. These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}). These adjustments shall be made in accordance with the procedures in WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one (1) and the total excess cancer risk shall not exceed one in one hundred thousand (1×10^{-5}). ~~((These overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including cleanup levels based on applicable state and federal laws.))~~

(5) Adjustments to cleanup levels based on applicable laws. Where a cleanup level is based on an applicable state or federal law, and the level of risk upon which the applicable state and federal law is based exceeds an excess cancer risk of one in one hundred thousand (1×10^{-5}) or a hazard index of one (1), the cleanup level must be adjusted downward so that the total excess cancer risk and hazard index at the site does not exceed the limits established in subsection (4) of this section.

(6) Limitation on adjustments. Cleanup levels determined using Method B, including cleanup levels adjusted under subsections (4) and (5) of this section, shall not be set at levels below the practical quantitation limit or natural background. See WAC 173-340-707 and 173-340-709 for additional requirements on practical quantitation limits and natural background.

(7) Remediation levels. Method B formulas may be modified for the purpose of using a human health risk assessment to evaluate the protectiveness of a remedy. WAC 173-340-708 (3) and (10) describe the adjustments that can be made to the Method B formulas. Also see WAC 173-340-355 and 173-340-357 for more detailed information on remediation levels and quantitative risk assessment.

(8) Inconsistencies. If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-706 Use of Method C. (1) Applicability. Method C cleanup levels represent concentrations ~~((which))~~ that are protective of human health and the environment for specified site uses and conditions. A site (or portion

of a site) that qualifies for a Method C cleanup level for one medium does not necessarily qualify for a Method C cleanup level in other media. Each medium must be evaluated separately using the criteria applicable to that medium. Method C cleanup levels may be used in the following situations:

(a) For surface water, ground water and air. Method C cleanup levels may be established where the person conducting the cleanup action can demonstrate that such levels comply with applicable state and federal laws, that all practicable methods of treatment are ~~((utilized))~~ used, that institutional controls are implemented in accordance with WAC 173-340-440, and that one or more of the following conditions exist:

(i) Where Method A or B cleanup levels are below area background concentrations, Method C cleanup levels may be established at concentrations that are equal to area background concentrations, but in no case greater than concentrations specified in subsection (2) of this section; ~~((or))~~

(ii) Where attainment of Method A or B cleanup levels has the potential for creating a significantly greater overall threat to human health or the environment than attainment of Method C cleanup levels established under this chapter, Method C cleanup levels may be established at concentrations ~~((which))~~ that minimize those overall threats, but in no case greater than concentrations specified in subsection (2) of this section. Factors that shall be considered in making this determination include:

- (A) Results of a site-specific risk assessment;
- (B) Duration of threats;
- (C) Reversibility of threats;
- (D) Magnitude of threats; and
- (E) Nature of affected population.

(iii) Where Method A or B cleanup levels are below technically possible concentrations, Method C cleanup levels may be established at the technically possible concentrations, but in no case greater than levels specified in subsection (2) of this section.

(b) ~~((For soil cleanup levels only.))~~ Method C soil cleanup levels may ~~((also))~~ only be established where the person conducting the cleanup action can demonstrate that the area under consideration is an industrial property and meets the criteria for establishing industrial soil cleanup levels under WAC 173-340-745.

(c) Method C air cleanup levels may also be established for facilities qualifying as industrial property under WAC 173-340-745 and for utility vaults and manholes. (See WAC 173-340-750.)

(2) Cleanup levels. Method C consists of two approaches, standard and modified. Standard Method C uses default formulas, assumptions, and procedures to develop cleanup levels. Under modified Method C, chemical-specific or site-specific information may be used to change certain assumptions to calculate different cleanup levels. When the term "Method C" is used in this chapter, it means both standard and modified Method C. Method C cleanup levels shall be established in accordance with the procedures in WAC 173-340-720 through 173-340-760. Method C cleanup levels shall be at least as stringent as all of the following:

(a) Concentrations established under applicable state and federal laws;

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(b) Concentrations (~~(which)~~) that are estimated to result in no significant adverse effects on the protection and propagation of aquatic (~~and terrestrial~~) life, and no significant adverse effects on wildlife using the procedures specified in WAC 173-340-7490 through 173-340-7494;

(c) For hazardous substances for which sufficiently protective, health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which are protective of human health (~~and the environment~~) as determined by the following methods:

(i) Concentrations (~~(which)~~) that are estimated to result in no significant adverse acute or chronic toxic effects on human health as estimated using a hazard quotient of one (1) and the procedures defined in WAC 173-340-720 through 173-340-760;

(ii) For known or suspected carcinogens, concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to one in one hundred thousand (1×10^{-5}) as determined using the procedures defined in WAC 173-340-720 through 173-340-760; and

(iii) Concentrations (~~(which)~~) that eliminate or minimize the potential for food chain contamination as necessary to protect human health.

(3) **More stringent cleanup levels.** The department may establish Method C cleanup levels that are more stringent than those required by subsection (2) of this section when based upon a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708.

(4) **Multiple hazardous substances or pathways.** Concentrations of individual hazardous substances established under subsections (2) and (3) of this section, including those based on applicable state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting from more than one pathway of exposure. These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}). These adjustments shall be made in accordance with WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one and the total excess cancer risk shall not exceed one in one hundred thousand (1×10^{-5}). ~~((These overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including cleanup levels based on applicable state and federal laws.))~~

(5) **Adjustments to cleanup levels based on applicable laws.** When a cleanup level is based on an applicable state or federal law and the level of risk upon which the applicable law is based exceeds an excess cancer risk of one in one hundred thousand (1×10^{-5}) or a hazard index of one (1), the cleanup level must be adjusted downward so that the total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}) and the hazard index does not exceed one (1) at the site.

(6) **Limitation on adjustments.** Cleanup levels determined using Method C, including cleanup levels adjusted under subsections (4) and (5) of this section, shall not be set at levels below the practical quantitation limit or natural background. See WAC 173-340-707 and 173-340-709 for additional requirements on practical quantitation limits and natural background.

(7) **Remediation levels.** Method C formulas may be modified for the purpose of using a human health risk assessment to evaluate the protectiveness of a remedy. WAC 173-340-708 (3) and (10) describe the adjustments that can be made to the Method C formulas. Also see WAC 173-340-355 and 173-340-357 for more detailed information on remediation levels and quantitative risk assessment.

(8) **Inconsistencies.** If there are any inconsistencies between this subsection and any specifically referenced sections, the referenced section shall govern.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-708 Human health risk assessment procedures. (1) **Purpose.** This section defines the risk assessment framework that ~~((the department will utilize))~~ shall be used to establish cleanup levels, and remediation levels using a quantitative risk assessment, under this chapter. As used in this section, cleanup levels and remediation levels means the human health risk assessment component of these levels. This chapter defines certain default values and methods to be used in calculating cleanup levels and remediation levels. This section allows varying from these default values and methods under certain circumstances. When deciding whether to approve alternate values and methods the department shall ensure that the use of alternative values and methods will not significantly delay site cleanups.

(2) **Selection of indicator hazardous substances.**

(a) When defining cleanup requirements at a site that is contaminated with a large number of hazardous substances, the department may eliminate from consideration those hazardous substances that contribute a small percentage of the overall threat to human health and the environment. The remaining hazardous substances shall serve as indicator hazardous substances for purposes of defining site cleanup requirements.

(b) If the department considers this approach appropriate for a particular site, the factors evaluated when eliminating individual hazardous substances from further consideration shall include:

(i) The toxicological characteristics of the hazardous substance that influence its ability to adversely affect human health or the environment relative to the concentration of the hazardous substance at the site;

(ii) The chemical and physical characteristics of the hazardous substance which govern its tendency to persist in the environment;

(iii) The chemical and physical characteristics of the hazardous substance which govern its tendency to move into and through environmental media;

(iv) The natural background concentrations of the hazardous substance;

(v) The thoroughness of testing for the hazardous substance at the site;

(vi) The frequency that the hazardous substance has been detected at the site; and

(vii) Degradation by-products of the hazardous substance.

(c) When the department determines that the use of indicator hazardous substances is appropriate for a particular site, it may also require biological testing to address potential toxic effects associated with hazardous substances eliminated from consideration under this subsection.

(3) Reasonable maximum exposure.

(a) Cleanup levels and remediation levels shall be based on estimates of current and future resource uses and reasonable maximum exposures expected to occur under both current and potential future site use conditions, as specified further in this chapter.

(b) The reasonable maximum exposure is defined as the highest exposure that is reasonably expected to occur at a site under current and potential future site use. WAC 173-340-720 through 173-340-760 define the reasonable maximum exposures for ground water, surface water, soil, and air. These reasonable maximum exposures will apply to most sites where individuals or groups of individuals are or could be exposed to hazardous substances. For example, the reasonable maximum exposure for most ground water is defined as exposure to hazardous substances in drinking water and other domestic uses.

(c) Persons performing cleanup actions under this chapter may ~~((utilize))~~ use the evaluation criteria in WAC 173-340-720 through 173-340-760, where allowed in those sections, to demonstrate that the reasonable maximum exposure scenarios specified in those sections are not appropriate for cleanup levels for a particular site. For example, the criteria in WAC 173-340-720(2) could be used to demonstrate that the reasonable maximum exposure for ground water beneath a site does not need to be based on drinking water use. The use of an alternate exposure scenario shall be documented by the person performing the cleanup action. Documentation for the use of alternate exposure scenarios under this provision shall be based on the results of investigations performed in accordance with WAC 173-340-350.

(d) Persons performing cleanup actions under this chapter may also use alternate reasonable maximum exposure scenarios to help assess the protectiveness to human health of a cleanup action alternative that incorporates remediation levels and uses engineered controls and/or institutional controls to limit exposure to the contamination remaining on the site.

(i) An alternate reasonable maximum exposure scenario shall reflect the highest exposure that is reasonably expected to occur under current and potential future site exposure considering, among other appropriate factors, the potential for institutional controls to fail and the extent of the time period of failure under these scenarios and the land uses at the site.

(ii) Land uses other than residential and industrial, such as agricultural, recreational, and commercial, shall not be used as the basis for a reasonable maximum exposure sce-

nario for the purpose of establishing a cleanup level. However, these land uses may be used as the basis for an alternate reasonable maximum exposure scenario for the purpose of developing a remediation level. For example, if a cap (with appropriate institutional controls) is the proposed cleanup action at a commercial site, the reasonable maximum exposure scenario for assessing the protectiveness of the cap with regard to direct soil contact could be changed from a child living on the site to a construction or maintenance worker and child trespasser scenario.

(iii) The department expects that in evaluating the protectiveness of a remedy, many types of commercial sites may, where appropriate, qualify for alternative exposure scenarios under this provision since contaminated soil at these sites is typically characterized by a cover of buildings, pavement, and landscaped areas. Examples of these types of sites include:

(A) Commercial properties in a location removed from single family homes, duplexes or subdivided individual lots;

(B) Private and public recreational facilities where access to these facilities is physically controlled (e.g., a private golf course to which access is restricted by fencing);

(C) Urban residential sites (e.g., upper-story residential units over ground floor commercial businesses);

(D) Offices, restaurants, and other facilities primarily devoted to support administrative functions of a commercial/industrial nature (e.g., an employee credit union or cafeteria in a large office or industrial complex).

(e) A conceptual site model may be used to identify when individuals or groups of individuals may be exposed to hazardous substances through more than one exposure pathway. For example, a person may be exposed to hazardous substances from a site by drinking contaminated ground water, eating contaminated fish, and breathing contaminated air. At sites where the same individuals or groups of individuals are or could be consistently exposed through more than one pathway, the reasonable maximum exposure shall represent the total exposure through all of those pathways. At such sites, the cleanup levels and remediation levels derived for individual pathways under WAC 173-340-720 through 173-340-760 and WAC 173-340-350 through 173-340-390 shall be adjusted downward to take into account multiple exposure pathways.

(4) Cleanup levels for individual hazardous substances. Cleanup levels for individual hazardous substances will generally be based on a combination of requirements in applicable state and federal laws and risk assessment.

(5) Multiple hazardous substances.

(a) Cleanup levels for individual hazardous substances established under Methods B and C and remediation levels shall be adjusted downward to take into account exposure to multiple hazardous substances. This adjustment needs to be made only if, without this adjustment, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}).

(b) Adverse effects resulting from exposure to two or more hazardous substances with similar types of toxic response are assumed to be additive unless scientific evidence is available to demonstrate otherwise. ~~((b))~~ Cancer

risks resulting from exposure to two or more carcinogens are assumed to be additive unless scientific evidence is available to demonstrate otherwise.

(c) For noncarcinogens, for purposes of establishing cleanup levels (~~for noncarcinogens~~) under Methods B and C, and for remediation levels, the health threats resulting from exposure to two or more hazardous substances with similar types of toxic response may be apportioned between those hazardous substances in any combination as long as the hazard index does not exceed one (1).

(d) For carcinogens, for purposes of establishing cleanup levels (~~for carcinogens~~) under Methods B and C, and for remediation levels, the cancer risks resulting from exposure to multiple hazardous substances may be apportioned between hazardous substances in any combination as long as the total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}).

(e) The department may require biological testing to assess the potential interactive effects associated with chemical mixtures.

(f) When making adjustments to cleanup levels and remediation levels for multiple hazardous substances, the concentration for individual hazardous substances shall not be adjusted downward to less than the practical quantitation limit or natural background.

(6) Multiple pathways of exposure.

(a) Estimated doses of individual hazardous substances resulting from more than one pathway of exposure are assumed to be additive unless scientific evidence is available to demonstrate otherwise.

(b) Cleanup levels and remediation levels based on one pathway of exposure shall be adjusted downward to take into account exposures from more than one exposure pathway. The number of exposure pathways considered at a given site shall be based on the reasonable maximum exposure scenario as defined in WAC 173-340-708(3). This adjustment needs to be made only if exposure through multiple pathways is likely to occur at a site and, without the adjustment, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}).

(c) For noncarcinogens, for purposes of establishing cleanup levels (~~for noncarcinogens~~) under Methods B and C, and remediation levels, the health threats associated with exposure via multiple pathways may be apportioned between exposure pathways in any combination as long as the hazard index does not exceed one (1).

(d) For carcinogens, for purposes of establishing cleanup levels (~~for carcinogens~~) under Methods B and C, and for remediation levels, the cancer risks associated with exposure via multiple pathways may be apportioned between exposure pathways in any combination as long as the total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}).

(e) When making adjustments to cleanup levels and remediation levels for multiple pathways of exposure, the concentration for individual hazardous substances shall not be adjusted downward to less than the practical quantitation limit or natural background.

(7) Reference doses.

(a) The chronic reference dose/reference concentration and the developmental reference dose/reference concentration shall be used to establish cleanup levels and remediation levels under this chapter. Cleanup levels and remediation levels shall be established using the value which results in the most protective concentration.

(b) Inhalation reference doses/reference concentration shall be used in WAC 173-340-750. Where the inhalation reference dose/reference concentration is reported as a concentration in air, that value shall be converted to a corresponding inhaled intake (mg/kg-day) using a human body weight of 70 kg and an inhalation rate of 20 m³/day, and take into account, where available, the respiratory deposition and absorption characteristics of the gases and inhaled particles.

(c) A subchronic reference dose/reference concentration may be (~~utilized~~) used to evaluate potential noncarcinogenic effects resulting from exposure to hazardous substances over short periods of time. This value may be used in place of the chronic reference dose/reference concentration where it can be demonstrated that a particular hazardous substance will degrade to negligible concentrations during the exposure period.

(d) For purposes of establishing cleanup levels and remediation levels for hazardous substances under this chapter, a reference dose/reference concentration established by the United States Environmental Protection Agency and available through the "integrated risk information system" (IRIS) data base shall be used. If a reference dose/reference concentration is not available through the IRIS data base, a reference dose/reference concentration from the U.S. EPA Health Effects Assessment Summary Table ("HEAST") database or, if more appropriate, the National Center for Environmental Assessment ("NCEA") shall be used.

(e) If a reference dose/reference concentration is available through IRIS, HEAST, or the NCEA, it shall be used unless the department determines that there is clear and convincing scientific data which demonstrates that the use of this value is inappropriate.

~~((e))~~ (f) If a reference dose/reference concentration for hazardous substances including petroleum fractions and petroleum constituents is not available through (~~the "integrated risk information system"~~) IRIS, HEAST or the NCEA or is demonstrated to be inappropriate under (~~((d))~~) (e) of this subsection, a reference dose/reference concentration shall be established (~~(utilizing)~~) on a case-by-case basis using the methods described in Risk Assessment Guidance for Superfund(-), Human Health Evaluation Manual, Part A(-) (October 1989(-)).

~~((f))~~ (g) In estimating a reference dose/reference concentration for a hazardous substance under (e) or (f) of this subsection, the department shall, as appropriate, consult with the science advisory board, the department of health, and the United States Environmental Protection Agency and may, as appropriate, consult with other qualified persons. Scientific data supporting such a change shall be subject to the requirements under WAC 173-340-702 (14), (15) and (16). Once the department has established a reference dose/reference concentration for a hazardous substance under this provision, the department is not required to consult again for the same hazardous substance.

~~((g))~~ (h) Where a reference dose/reference concentration other than those established under (d) or (g) of this subsection is used to establish a cleanup level or remediation level at individual sites, the department shall summarize the scientific rationale for the use of those values in the cleanup action plan. The department shall provide the opportunity for public review and comment on this value in accordance with the requirements of WAC ~~((173-340-360))~~ 173-340-380 and 173-340-600.

(8) Carcinogenic potency factor.

(a) For purposes of establishing cleanup levels and remediation levels for hazardous substances under this chapter, a carcinogenic potency factor established by the United States Environmental Protection Agency and available through the ~~((“integrated risk information system”))~~ IRIS data base shall be used. If a carcinogenic potency factor is not available from the IRIS data base, a carcinogenic potency factor from HEAST or, if more appropriate, from the NCEA shall be used.

(b) If a carcinogenic potency factor is available from the IRIS, HEAST or the NCEA, it shall be used unless the department determines that there is clear and convincing scientific data which demonstrates that the use of this value is inappropriate.

~~((b))~~ (c) If a carcinogenic potency factor is not available through ~~((the “integrated risk information system”))~~ IRIS, HEAST or the NCEA or is demonstrated to be inappropriate under ~~((a))~~ (b) of this subsection, one of the following methods shall be ~~((utilized))~~ used to establish a carcinogenic potency factor:

(i) The carcinogenic potency factor may be derived from appropriate human epidemiology data on a case-by-case basis; or

(ii) The carcinogenic potency factor may be derived from animal bioassay data using the following procedures:

(A) All ~~((carcinogenesis))~~ carcinogenicity bioassays shall be reviewed and data of appropriate quality shall be used for establishing the carcinogenic potency factor.

(B) The linearized multistage extrapolation model shall be ~~((utilized))~~ used to estimate the slope of the dose-response curve unless the department determines that there is clear and convincing scientific data which demonstrates that the use of an alternate extrapolation model is more appropriate;

(C) All doses shall be adjusted to give an average daily dose over the study duration; and

(D) An interspecies scaling factor shall be used to take into account differences between animals and humans. For oral carcinogenic toxicity values this scaling factor shall be based on the assumption that milligrams per surface area is an equivalent dose between species unless the department determines there is clear and convincing scientific data which demonstrates that an alternate procedure is more appropriate. The slope of the dose response curve for the test species shall be multiplied by this scaling factor in order to obtain the carcinogenic potency factor, except where such scaling factors are incorporated into the extrapolation model under (B) of this subsection. The procedure to derive a human equivalent concentration of inhaled particles and gases shall take into account, where available, the respiratory deposition and

absorption characteristics of the gases and inhaled particles. Where adequate pharmacokinetic and metabolism studies are available, data from these studies may be ~~((utilized))~~ used to adjust the interspecies scaling factor.

~~((e))~~ (d) When assessing the potential carcinogenic risk of mixtures of chlorinated dibenzo-p-dioxins (CDD) and chlorinated dibenzofurans (CDF) either of the following methods shall be used unless the department determines that there is clear and convincing scientific data which demonstrates that the use of these methods is inappropriate:

(i) The entire mixture is assumed to be as toxic as 2, 3, 7, 8 CDD or 2, 3, 7, 8 CDF, as applicable; or

(ii) The toxicity equivalency factors and methodology described in: EPA, 1989. “Interim procedures for estimating risks associated with exposure to mixtures of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs and CDFs) and 1989 update”, USEPA, Risk Assessment Forum, Washington, D.C., publication number EPA/625/3-89/016.

(e) When assessing the potential carcinogenic risk of mixtures of polycyclic aromatic hydrocarbons, either of the following methods shall be used unless the department determines that there is clear and convincing scientific data which demonstrates that the use of these methods is inappropriate:

(i) The entire mixture is assumed to be as toxic as benzo(a)pyrene; or

(ii) The toxicity equivalency factors and methodology described in “CalEPA, 1994. Benzo(a)pyrene as a toxic air contaminant. Part B: Health Assessment.” Published by the Office of Environmental Health Hazard Assessment, California Environmental Protection Agency, Berkeley, CA. When using this methodology, at a minimum, the following compounds shall be analyzed for and included in the calculations: Benzo[a]pyrene, Benz[a]anthracene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Chrysene, Dibenz[a,h]anthracene, Indeno[1,2,3cd]pyrene. The department may require additional compounds from the CalEPA list to be included in the methodology should site testing data or information from other comparable sites or waste types indicate the additional compounds are potentially present at the site. NOTE: Many of the polycyclic aromatic hydrocarbons on the CalEPA list are found primarily in air emissions from combustion sources and may not be present in the soil or water at contaminated sites. Users should consult with the department for information on the need to test for these additional compounds.

(f) In estimating a carcinogenic potency factor for a hazardous substance under ~~((b))~~ (c) of this subsection, the department shall, as appropriate, consult with the science advisory board, the department of health, and the United States Environmental Protection Agency and may, as appropriate, consult with other qualified persons. Scientific data supporting such a change shall be subject to the requirements under WAC 173-340-702 (14), (15) and (16). Once the department has established a carcinogenic potency factor for a hazardous substance under this provision, the department is not required to consult again for the same hazardous substance.

~~((d))~~ (g) Where a carcinogenic potency factor other than that established under (a), (d) and (e) of this subsection

is used to establish cleanup levels or remediation levels at individual sites, the department shall summarize the scientific rationale for the use of that value in the cleanup action plan. The department shall provide the opportunity for public review and comment on this value in accordance with the requirements of WAC ~~((173-340-360))~~ 173-340-380 and 173-340-600.

(9) Bioconcentration factors.

(a) For purposes of establishing cleanup levels and remediation levels for a hazardous substance under WAC 173-340-730, a bioconcentration factor established by the United States Environmental Protection Agency and ~~((utilized))~~ used to establish the ambient water quality criterion for that substance under section 304 of the Clean Water Act shall be used. These values shall be used unless the department determines that there is ~~((clear and convincing))~~ adequate scientific data which demonstrates that the use of an alternate value is more appropriate. If the department determines that a bioconcentration factor is appropriate for a specific hazardous substance and no such factor has been established by USEPA, then other appropriate EPA documents, literature sources or empirical information may be used to determine a bioconcentration factor.

(b) When ~~((utilizing))~~ using a bioconcentration factor other than that ~~((utilized))~~ used to establish the ambient water quality criterion, the department shall, as appropriate, consult with the science advisory board, the department of health, and the United States Environmental Protection Agency. Scientific data supporting such a value shall be subject to the requirements under WAC 173-340-702 (14), (15) and (16). Once the department has established a bioconcentration factor for a hazardous substance under this provision, the department is not required to consult again for the same hazardous substance.

(c) Where a bioconcentration factor other than that established under (a) of this subsection is used to establish cleanup levels or remediation levels at individual sites, the department shall summarize the scientific rationale for the use of that factor in the draft cleanup action plan. The department shall provide the opportunity for public review and comment on the value in accordance with the requirements of WAC ~~((173-340-360))~~ 173-340-380 and 173-340-600.

(10) Exposure parameters.

(a) As a matter of policy, the department has defined in WAC 173-340-720 through 173-340-760 the default values for exposure parameters to be used when establishing cleanup levels and remediation levels under this chapter. ~~((With the exception of the parameters identified))~~ Except as provided for in (b) and (c) of this subsection and in WAC 173-340-720 through 173-340-760, these ((parameters)) default values shall not be ((modified)) changed for individual hazardous substances or sites ((in a manner which results in a less stringent cleanup level. The scientific and technical basis for these parameters shall be reviewed when updating this chapter under WAC 173-340-704(3)).

(b) ~~The department may approve the use of values other than those specified in WAC 173-340-720 through 173-340-760 where there is clear and convincing scientific data which demonstrates that one or more of the following parameters~~

~~should be modified for an individual hazardous substance or site:~~

- ~~(i) Gastrointestinal absorption rate;~~
- ~~(ii) Inhalation correction factor;~~
- ~~(iii) Bioconcentration factor; or~~
- ~~(iv) Inhalation absorption rate).~~

~~((e)) (b) Exposure parameters that are primarily a function of the exposed population characteristics (such as body weight and lifetime) and those that are primarily a function of human behavior that cannot be controlled through an engineered or institutional control (such as: Fish consumption rate; soil ingestion rate; drinking water ingestion rate; and breathing rate) are not expected to vary on a site-by-site basis. The default values for these exposure parameters shall not be changed when calculating cleanup levels. For remediation levels the default values for these exposure parameters may only be changed when an alternate reasonable maximum exposure scenario is used, as provided for in WAC 173-340-708 (3)(d), that reflects a different exposed population such as using an adult instead of a child exposure scenario. Other exposure parameters may be changed only as follows:~~

~~(i) For calculation of cleanup levels, the types of exposure parameters that may be changed are those that are:~~

~~(A) Primarily a function of reliably measurable characteristics of the hazardous substance, soil, hydrologic or hydrogeologic conditions at the site; and~~

~~(B) Are not dependent on the success of engineered controls or institutional controls for controlling exposure of persons to the hazardous substances at the site.~~

~~The default values for these exposure parameters may be changed where there is adequate scientific data to demonstrate that use of an alternative or additional value would be more appropriate for the conditions present at the site. Examples of exposure parameters for which the default values may be changed under this provision are as follows: Contaminant leaching and transport variables (such as the soil organic carbon content, aquifer permeability and soil sorption coefficient); inhalation correction factor; fish bioconcentration factor; soil gastrointestinal absorption fraction; and inhalation absorption percentage.~~

~~(ii) For calculation of remediation levels, in addition to the exposure parameters that may be changed under (b)(i) of this subsection, the types of exposure parameters that may be changed from the default values are those where a demonstration can be made that the proposed cleanup action uses engineered controls and/or institutional controls that can be successfully relied on, for the reasonably foreseeable future, to control contaminant mobility and/or exposure to the contamination remaining on the site. In general, exposure parameters that may be changed under this provision are those that define the exposure frequency, exposure duration and exposure time. The default values for these exposure parameters may be changed where there is adequate scientific data to demonstrate that use of an alternative or additional value would be more appropriate for the conditions present at the site. Examples of exposure parameters for which the default value may be changed under this provision are as follows: Infiltration rate; frequency of soil contact; duration of soil exposure; duration of drinking water exposure; duration of air exposure; drinking water fraction; and fish diet fraction.~~

(c) When the modifications provided for in (b) of this subsection result in significantly higher values for cleanup levels or remediation levels than would be calculated using the default values for exposure parameters, the risk from other potentially relevant pathways of exposure shall be addressed under the procedures provided for in WAC 173-340-720 through 173-340-760. For exposure pathways and parameters for which default values are not specified in this chapter, the framework provided for by this subsection, along with the quality of information requirements in WAC 173-340-702, shall be used to establish appropriate or additional assumptions for these parameters and pathways.

(d) Where the department approves the use of exposure parameters other than those established under WAC 173-340-720 through 173-340-760 ((are used to establish cleanup levels)) to establish cleanup levels or remediation levels at individual sites, the department shall summarize the scientific rationale for the use of those parameters in the cleanup action plan. The department shall provide the opportunity for public review and comment on those values in accordance with the requirements of WAC ((173-340-360)) 173-340-380 and 173-340-600. Scientific data supporting such a change shall be subject to the requirements under WAC 173-340-702 (14), (15) and (16).

(11) ((Methods for defining background concentrations:

(a) Sampling of hazardous substances in background areas may be conducted to distinguish site-related concentration from nonsite-related concentrations of hazardous substances or to support the development of a method C cleanup level under the provisions of WAC 173-340-706. For purposes of this chapter, two types of background may be determined, natural background and area background concentrations:

(b) For purposes of defining background concentrations, samples shall be collected from areas that have the same basic characteristics as the medium of concern at the site, have not been influenced by releases from the site and, in the case of natural background concentrations, have not been influenced by releases from other localized human activities:

(c) The statistical method used to evaluate available data shall be appropriate for the distribution of each hazardous substance. If the distribution of the hazardous substance data is inappropriate for statistical methods based on a normal distribution, then the data may be transformed. If the distributions of individual hazardous substances differ, more than one statistical method may be required at a site. In general, appropriate statistical methods include the following:

(i) A tolerance interval procedure in which an interval for each hazardous substance is established from the distribution of background data and the cleanup level of each hazardous substance is compared to the lower tolerance limit; and

(ii) Other statistical methods proposed by the person undertaking the cleanup action and approved by the department:

(d) If a tolerance interval approach is used to evaluate natural background data, the tolerance interval shall have a coverage of ninety-five percent and a tolerance coefficient of ninety-five percent. When determining natural background

concentrations, sample size of ten or more background soil samples shall be required. When determining area background concentrations, a sample size of twenty or more soil samples shall be required. The number of samples for other media shall be sufficient to provide a representative measure of background concentrations and shall be determined on a case-by-case basis:

(e) For purposes of estimating background concentrations, values below the method detection limit shall be assigned a value equal to one-half of the method detection limit. Measurements above the method detection limit, but below the practical quantitation limit shall be assigned a value equal to the method detection limit. The department may approve the use of alternate statistical procedures for handling data below the method detection limit or practical quantitation limit. Alternate statistical procedures may include probit analysis and regression analysis:

(12) Significant figures. Risk assessment results shall be presented using one significant figure.)) **Probabilistic risk assessment.** Probabilistic risk assessment methods may be used under this chapter only on an informational basis for evaluating alternative remedies. Such methods shall not be used to replace cleanup standards and remediation levels derived using deterministic methods under this chapter until the department has adopted rules describing adequate technical protocols and policies for the use of probabilistic risk assessment under this chapter.

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.

NEW SECTION

WAC 173-340-709 Methods for defining background concentrations. (1) **Purpose.** Sampling of hazardous substances in background areas may be conducted to distinguish site-related concentration from nonsite related concentrations of hazardous substances or to support the development of a Method C cleanup level under the provisions of WAC 173-340-706. For purposes of this chapter, two types of background may be determined, natural background and area background concentrations, as defined in WAC 173-340-200.

(2) **Background concentrations.** For purposes of defining background concentrations, samples shall be collected from areas that have the same basic characteristics as the medium of concern at the site, have not been influenced by releases from the site and, in the case of natural background concentrations, have not been influenced by releases from other localized human activities.

(3) **Statistical analysis.**

(a) The statistical methods used to evaluate data sets shall be appropriate for the distribution of each hazardous substance. More than one statistical method may be required at a site.

(b) Background sampling data shall be assumed to be lognormally distributed unless it can be demonstrated that another distribution is more appropriate.

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(c) For lognormally distributed data sets, background shall be defined as the true upper 90th percentile or four times the true 50th percentile, whichever is lower.

(d) For normally distributed data sets, background shall be defined as the true upper 80th percentile or four times the true 50th percentile, whichever is lower.

(e) Other statistical methods may be used if approved by the department.

(4) **Sample size.** When determining natural background concentrations for soil, a sample size of ten or more background soil samples shall be required. When determining area background concentrations for soil, a sample size of twenty or more soil samples shall be required. The number of samples for other media shall be sufficient to provide a representative measure of background concentrations and shall be determined on a case-by-case basis.

(5) **Procedures.** For the purposes of estimating background concentrations, the following procedures shall be used for measurements below the practical quantitation limit:

(a) Measurements below the method detection limit shall be assigned a value equal to one-half of the method detection limit.

(b) Measurements above the method detection limit, but below the practical quantitation limit shall be assigned a value equal to the method detection limit.

(c) The department may approve the use of alternate statistical procedures for handling data below the method detection limit or practical quantitation limit.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-710 Applicable local, state and federal laws. (1) **Applicable state and federal laws.**

~~((a))~~ All cleanup actions conducted under this chapter shall comply with applicable state and federal laws. For purposes of this chapter, the term "applicable state and federal laws" shall include legally applicable requirements and those requirements that the department determines, based on consideration of the criteria in subsection ~~((3))~~ (4) of this section, are relevant and appropriate requirements.

~~((b))~~ (2) **Department determination.** The person conducting a cleanup action shall identify all applicable state and federal laws. The department shall make the final interpretation on whether these requirements have been correctly identified and are legally applicable or relevant and appropriate.

~~((2))~~ (3) **Legally applicable requirements.** Legally applicable requirements include those cleanup standards, standards of control, and other environmental protection requirements, criteria, or limitations ~~((promulgated))~~ adopted under state or federal law that specifically address a hazardous substance, cleanup action, location or other circumstances at the site.

~~((3))~~ (4) **Relevant and appropriate requirements.** Relevant and appropriate requirements include those cleanup standards, standards of control, and other environmental requirements, criteria, or limitations established under state or federal law that, while not legally applicable to the hazardous substance, cleanup action, location, or other circum-

stance at a site, address problems or situations sufficiently similar to those encountered at the site that their use is well suited to the particular site. WAC 173-340-710 through 173-340-760 identifies several requirements the department shall consider relevant and appropriate for establishing cleanup standards. For other regulatory requirements, the following criteria shall be evaluated, where pertinent, to determine whether such requirements are relevant and appropriate for a particular hazardous substance, remedial action, or site:

(a) Whether the purpose for which the statute or regulations under which the requirement was created is similar to the purpose of the cleanup action;

(b) Whether the media regulated or affected by the requirement is similar to the media contaminated or affected at the site;

(c) Whether the hazardous substance regulated by the requirement is similar to the hazardous substance found at the site;

(d) Whether the entities or interests affected or protected by the requirement are similar to the entities or interests affected by the site;

(e) Whether the actions or activities regulated by the requirement are similar to the cleanup action contemplated at the site;

(f) Whether any variance, waiver, or exemption to the requirements are available for the circumstances of the site;

(g) Whether the type of place regulated is similar to the site;

(h) Whether the type and size of structure or site regulated is similar to the type and size of structure or site affected by the release or contemplated by the cleanup action; and

(i) Whether any consideration of use or potential use of affected resources in the requirement is similar to the use or potential use of the resources affected by the site or contemplated cleanup action.

~~((4))~~ (5) **Variances.** For purposes of this chapter, a regulatory variance or waiver provision included in an applicable state and federal law shall be considered potentially applicable to interim actions and cleanup actions and the department may determine that a particular regulatory variance or waiver is appropriate if the substantive conditions for such a regulatory variance or waiver are met. In all such cases, interim actions and cleanup actions shall be protective of human health and the environment.

~~((5))~~ (6) **New requirements.** The department shall consider new applicable state and federal laws as part of the periodic review under WAC 173-340-420. Cleanup actions shall be evaluated in light of these new requirements to determine whether the cleanup action is still protective of human health and the environment.

~~((6))~~ (7) **Selection of cleanup actions.** To demonstrate compliance with WAC ~~((173-340-360))~~ 173-340-350 through 173-340-390, cleanup actions shall comply with all applicable state and federal laws in addition to the other requirements of this chapter. The following, which is not a complete list, are selected applications of specific applicable state and federal laws to cleanup actions.

(a) **Water discharge requirements.** Hazardous substances ~~((which))~~ that are directly or indirectly released or

proposed to be released to waters of the state shall be provided with all known, available and reasonable methods of treatment consistent with the requirements of chapters 90.48 and 90.54 RCW and the regulations that implement those statutes.

(b) **Air emission requirements.** Best available control technologies consistent with the requirements of chapter 70.94 RCW and the regulations that implement this statute shall be applied to releases of hazardous substances to the air resulting from cleanup actions at a site.

(c) **Solid waste landfill closure requirements.** For solid waste landfills, the solid waste closure requirements in chapter 173-304 WAC shall be minimum requirements for cleanup actions conducted under this chapter. In addition, when the department determines that the closure requirements in chapters 173-351 or 173-303 WAC are legally applicable or relevant and appropriate requirements, the more stringent closure requirements under ~~((that))~~ those laws shall also apply to cleanup actions conducted under this chapter.

(d) **Sediment management requirements.** Sediment cleanup actions conducted under this chapter shall comply with the sediment cleanup standards in chapter 173-204 WAC. In addition, a ~~((state))~~ remedial investigation/feasibility study conducted under WAC 173-340-350 shall also comply with the cleanup study plan requirements under chapter 173-204 WAC. The process for selecting sediment cleanup actions under this chapter shall comply with the requirements in WAC ~~((173-340-360))~~ 173-340-350 through 173-340-390.

~~((7))~~ (8) **Interim actions.** Interim actions conducted under this chapter shall comply with legally applicable requirements. The department may also determine, based on the criteria in subsection (3) of this section, that other requirements, criteria, or limitations are relevant and appropriate for interim actions.

(9) Permits and exemptions.

(a) Independent remedial actions must obtain permits required by other federal, state and local laws.

(b) Under RCW 70.105D.090, remedial actions conducted under a consent decree, order, or agreed order, and the department when it conducts a remedial action are exempt from the procedural requirements of certain laws. This exemption shall not apply if the department determines that the exemption would result in loss of approval from a federal agency necessary for the state to administer any federal law. This exemption applies to the following laws:

(i) Chapter 70.94 RCW;

(ii) Chapter 70.95 RCW;

(iii) Chapter 70.105 RCW;

(iv) Chapter 75.20 RCW;

(v) Chapter 90.48 RCW;

(vi) Chapter 90.58 RCW; and

(vii) Any laws requiring or authorizing local government permits or approvals for the remedial action.

(c) Remedial actions exempt from procedural requirements under (a) and (b) of this subsection still must comply with the substantive requirements of these laws.

(d) The department shall ensure compliance with substantive requirements and provide an opportunity for comment by the public and by the state agencies and local gov-

ernments that would otherwise implement these laws as follows:

(i) Before proposing any substantive requirements, the department or potentially liable persons, if directed to do so by the department, shall consult with the state agencies and local governments to identify potential permits and to obtain written documentation from the consulted agencies regarding the substantive requirements.

(ii) The permits proposed for exemption and the substantive requirements, to the extent they are known, shall be identified by the department in the order, decree, or if the cleanup is being conducted by the department, in the work plan prepared by the department.

(iii) A public notice of the order, decree or work plan shall be issued in accordance with WAC 173-340-600. The notice shall specifically identify the permits proposed for exemption and seek comment on these exemptions. This notice shall be mailed to the state agencies and local governments that would otherwise implement these permits. This notice shall also be mailed to the same individuals that the state agencies and local government have identified that would normally be mailed notice to if a permit was being issued.

(iv) Substantive requirements, to the extent known and identified by the state agencies and local governments before issuing the order, decree or work plan and those identified by the state agencies and local government during the public comment period shall be incorporated into the order, decree or work plan if approved by the department.

(e) It shall be the continuing obligation of persons conducting remedial actions to determine whether additional permits or approvals or substantive requirements are required. In the event that either the person conducting the remedial action or the department becomes aware of additional permits or approvals or substantive requirements that apply to the remedial action, they shall promptly notify the other party of this knowledge. The department, or the potentially liable person at the department's request, shall consult with the state or local agency on these additional requirements. The department shall make the final determination on the application of any additional substantive requirements at the site.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-720 Ground water cleanup standards.

(1) General considerations.

(a) Ground water cleanup levels shall be based on estimates of the highest beneficial use and the reasonable maximum exposure expected to occur under both current and potential future site use conditions. The department has determined that ~~((for))~~ at most sites use of ground water as a source of drinking water is the beneficial use requiring the highest quality of ground water and that exposure to hazardous substances ~~((via))~~ through ingestion of drinking water and other domestic uses represents the reasonable maximum exposure. Unless a site qualifies under subsection (2) of this section for a different ground water beneficial use, ground water cleanup levels shall be established using this presumed exposure scenario and be established in accordance with sub-

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section (3), (4) or (5) of this section. If the site qualifies for a different ground water beneficial use, ground water cleanup levels shall be established under subsection (6) of this section.

(b) In the event of a release of a hazardous substance at a site, ~~((treatment, removal, or containment measures))~~ a cleanup action complying with this chapter shall be conducted to ~~((reduce))~~ address all areas where the concentration of the hazardous substance in ground water ~~((to a concentration consistent with this use unless the following can be demonstrated:))~~ exceeds cleanup levels.

~~((#))~~ (c) Ground water cleanup levels shall be established at concentrations that do not directly or indirectly cause violations of surface water, sediments, soil, or air cleanup standards established under this chapter or other applicable state and federal laws. A site that qualifies for a Method C ground water cleanup level under this section does not necessarily qualify for a Method C cleanup level in other media. Each medium must be evaluated separately using the criteria applicable to that medium.

(d) The department may require more stringent cleanup levels than specified in this section where necessary to protect other beneficial uses or otherwise protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708. The following are examples of situations that may require more stringent cleanup levels:

(i) Concentrations that are necessary to protect sensitive subgroups;

(ii) Concentrations that eliminate or minimize the potential for food chain contamination;

(iii) Concentrations that eliminate or minimize the potential for damage to soils or biota in the soils which could impair the use of the soil for agricultural or silvicultural purposes;

(iv) Concentrations that eliminate or minimize the potential for the accumulation of vapors in buildings or other structures to concentrations which pose a threat to human health or the environment; and

(v) Concentrations that protect nearby surface waters.

(2) **Potable ground water defined.** Ground water shall be classified as potable to protect drinking water beneficial uses unless the following can be demonstrated:

(a) The ground water does not serve as a current source of drinking water;

~~((#))~~ (b) The ground water is not a potential future source of drinking water for any of the following reasons:

~~((A))~~ (i) The ground water is present in insufficient quantity to yield greater than 0.5 gallon per minute on a sustainable basis to a well constructed in compliance with chapter 173-160 WAC and in accordance with normal domestic water well construction practices for the area in which the site is located;

~~((B))~~ (ii) The ground water contains natural background concentrations of organic or inorganic constituents ~~((which))~~ that make use of the water ~~((for))~~ as a drinking water source not practicable. Ground water containing total dissolved solids at concentrations greater than 10,000 mg/l shall normally be considered to have fulfilled this require-

ment; *(NOTE: The total dissolved solids concentration provided here is an example. There may be other situations where high natural background levels also meet this requirement.)* or

~~((C))~~ (iii) The ground water is situated at a great depth or location ~~((which))~~ that makes recovery of water for drinking water purposes technically impossible; and

~~((#))~~ (c) The department determines it is unlikely that hazardous substances will be transported from the contaminated ground water to ground water that is a current or potential future source of drinking water, as defined in (a)~~((#))~~ and (b) of this subsection, at concentrations which exceed ground water quality criteria published in chapter 173-200 WAC~~((; or~~

~~((iv))~~ More stringent concentrations are necessary to protect human health or the environment).

~~((b))~~ In making a determination under ~~((a))~~~~((#))~~ of this ~~((subsection))~~ provision, the department shall consider site-specific factors including:

(i) The extent of affected ground water;

(ii) The distance to existing water supply wells;

(iii) The likelihood of interconnection between the contaminated ground water and ground water that is a current or potential future source of drinking water due to well construction practices in the area of the state where the site is located;

(iv) The physical and chemical characteristics of the hazardous substance;

(v) The hydrogeologic characteristics of the site;

(vi) The presence of discontinuities in the affected geologic stratum; and

(vii) The degree of confidence in any predictive modeling performed.

~~((e))~~ The department recognizes that there may be sites where there is an extremely low probability that ground water classified as potential future source of drinking water under (b) of this subsection will actually be used for that purpose (i.e., the shallow ground waters on Harbor Island). At such sites, the department may approve ground water cleanup levels that are based on protecting beneficial uses of adjacent surface water if the person undertaking the cleanup action can demonstrate all of the following:

(i) There are known or projected points of entry of the ground water into the surface water;

~~((ii))~~ The surface water is not classified as a suitable domestic water supply source under chapter 173-201 WAC;

~~((iii))~~ Ground water flows into surface waters will result in no exceedances of surface water cleanup levels at the point of entry or at any downstream location where it is reasonable to believe that hazardous substances may accumulate;

~~((iv))~~ The cleanup action includes institutional controls that will prevent the use of contaminated ground water at any point between the source of hazardous substances and the point(s) of entry of the ground water into the surface water; and

~~((v))~~ The department determines it is unlikely that hazardous substances will be transported from the contaminated ground water to ground water that is a current or potential future source of drinking water, as defined in (b) of this sub-

section, at concentrations which exceed ground water quality criteria published in chapter 173-200 WAC.

(d) Where more stringent cleanup levels are necessary to protect beneficial uses of ground water other than drinking water, the cleanup level shall be established by the department under methods B or C as appropriate.

(e) Releases of hazardous substances to ground waters of the state shall not directly or indirectly cause violations of surface water, sediments, soil, or air cleanup standards established under this chapter or other applicable state and federal laws.

(2) Method A cleanup levels:

(a) Where the ground water is a current or potential future source of drinking water, (b) Even if ground water is classified as a potential future source of drinking water under (b) of this subsection, the department recognizes that there may be sites where there is an extremely low probability that the ground water will be used for that purpose because of the site's proximity to surface water that is not suitable as a domestic water supply. An example of this situation would be shallow ground waters in close proximity to marine waters such as on Harbor Island in Seattle. At such sites, the department may allow ground water to be classified as nonpotable for the purposes of this section if each of the following conditions can be demonstrated. These determinations must be for reasons other than that the ground water or surface water has been contaminated by a release of a hazardous substance at the site.

(i) The conditions specified in (a) and (c) of this subsection are met;

(ii) There are known or projected points of entry of the ground water into the surface water;

(iii) The surface water is not classified as a suitable domestic water supply source under chapter 173-201A WAC; and

(iv) The ground water is sufficiently hydraulically connected to the surface water that the ground water is not practicable to use as a drinking water source.

(3) Method A cleanup levels for potable ground water.

(a) **Applicability.** Method A ground water cleanup levels may only be used at sites qualifying under WAC 173-340-704(1).

(b) **General requirements.** Method A cleanup levels shall be at least as stringent as all of the following:

(i) Concentrations listed in Table ((+)) 720-1 and compliance with the corresponding footnotes;

((Table +
Method A Cleanup Levels—Ground Water^a

Hazardous Substance	CAS Number	Cleanup Level
Arsenic	7440-38-2	5.0 ug/liter ^b
Benzene	71-43-2	5.0 ug/liter ^c
Cadmium	7440-43-9	5.0 ug/liter ^d
Chromium (Total)	7440-47-3	50.0 ug/liter ^e
DDT	50-29-3	0.1 ug/liter ^f
1,2-Dichloroethane	107-06-2	5.0 ug/liter ^g

Hazardous Substance	CAS Number	Cleanup Level
Ethylbenzene	100-41-4	30.0 ug/liter ^h
Ethylene dibromide	106-93-4	0.01 ug/liter ⁱ
Gross Alpha Particle Activity		15.0 pCi/liter ^j
Gross Beta Particle Activity		4.0 mrem/yr ^k
Lead	7439-92-1	5.0 ug/liter ^l
Lindane	58-89-9	0.2 ug/liter ^m
Methylene chloride	75-09-2	5.0 ug/liter ⁿ
Mercury	7439-97-6	2.0 ug/liter ^o
PAHs (carcinogenic)		0.1 ug/liter ^p
PCB mixtures		0.1 ug/liter ^q
Radium 226 and 228		5.0 pCi/liter ^r
Radium 226		3.0 pCi/liter ^s
Tetrachloroethylene	127-18-4	5.0 ug/liter ^t
Toluene	108-88-3	40.0 ug/liter ^u
Total Petroleum Hydrocarbons		1000.0 ug/liter ^v
1,1,1-Trichloroethane	71-55-6	200.0 ug/liter ^w
Trichloroethylene	79-01-5	5.0 ug/liter ^x
Vinyl chloride	75-01-4	0.2 ug/liter ^y
Xylenes	1330-20-7	20.0 ug/liter ^z

^a Caution on misusing method A tables. Method A tables have been developed for specific purposes. They are intended to provide conservative cleanup levels for sites undergoing routine cleanup actions or those sites with relatively few hazardous substances. The tables may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in these tables should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in these tables do not necessarily trigger requirements for cleanup action under this chapter.

^b Arsenic. Cleanup level based on background concentrations for state of Washington.

^c Benzene. Cleanup level based on applicable state and federal law.

^d Cadmium. Cleanup level based on applicable state and federal law and concentration derived using procedures in subsection (3)(a)(ii)(A) of this section and a hazard quotient of 0.2.

^e Chromium (Total). Cleanup level based on applicable state and federal law.

^f DDT. Cleanup levels based on concentration derived using procedures in subsection (3)(a)(ii)(B) of this section.

^g 1,2-Dichloroethane. Cleanup level based on applicable state and federal law.

^h Ethylbenzene. Cleanup level based on applicable state and federal law and prevention of adverse aesthetic characteristics.

ⁱ Ethylene dibromide. Cleanup level based on concentration derived using procedures in subsection (3)(a)(ii)(B) of this section and modified based on analytical considerations.

^j Gross Alpha Particle Activity, excluding uranium. Cleanup level based on applicable state and federal law.

^k Gross Beta Particle Activity, including gamma activity. Cleanup level based on applicable state and federal law.

^l Lead. Cleanup level based on applicable state and federal law and prevention of unacceptable blood lead levels.

^m Lindane. Cleanup level based on concentration derived using procedures in subsection (3)(a)(ii)(B) of this section.

ⁿ Methylene chloride. Cleanup level based on concentration derived using the procedures in subsection (3)(a)(ii)(B) of this section.

^o Mercury. Cleanup level based on applicable state and federal law.

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- ~~7. PAHs (carcinogenic). Cleanup level based on concentration derived using procedures in subsection (3)(a)(ii)(B) of this section and modified based on analytical considerations.~~
- ~~8. PCB mixtures. Cleanup level based on concentration derived using procedures in subsection (3)(a)(ii)(B) of this section and modified based on analytical considerations.~~
- ~~9. Radium 226 and 228. Cleanup level based on applicable state and federal law.~~
- ~~10. Radium 226. Cleanup level based on applicable state and federal law.~~
- ~~11. Tetrachloroethylene. Cleanup level based on applicable state and federal law.~~
- ~~12. Toluene. Cleanup level based on applicable state and federal law and prevention of adverse aesthetic characteristics.~~
- ~~13. Total Petroleum Hydrocarbons. Cleanup level based on prevention of adverse aesthetic characteristics.~~
- ~~14. 1,1,1 Trichloroethane. Cleanup level based on applicable state and federal law.~~
- ~~15. Trichloroethylene. Cleanup level based on applicable state and federal law.~~
- ~~16. Vinyl chloride. Cleanup level based on concentration derived using procedures in subsection (3)(a)(ii)(B) of this section and modified based on analytical considerations.~~
- ~~17. Xylenes. Cleanup level based on applicable state and federal law and prevention of adverse aesthetic characteristics; and))~~

(ii) Concentrations established under applicable state and federal laws, including the following requirements:

(A) Maximum contaminant levels established under the Safe Drinking Water Act and published in 40 C.F.R. 141(~~(, as amended)~~);

(B) Maximum contaminant level goals for noncarcinogens established under the Safe Drinking Water Act and published in 40 C.F.R. 141(~~(, as amended)~~);

(C) ~~((Secondary maximum contaminant levels established under the Safe Drinking Water Act and published in 40 C.F.R. 143, as amended; and~~

~~(D))~~ Maximum contaminant levels established by the state board of health and published in chapter ~~((248-54 WAC; as amended))~~ 246-290 WAC.

~~((b) The department may establish method A cleanup levels more stringent than those required by (a) of this subsection when, based upon site specific evaluations, the department determines that such levels are necessary to protect human health and the environment.~~

(e) Cleanup levels to protect beneficial uses of ground water other than drinking water shall be established by the department under methods B or C, as appropriate.

~~(3))~~ (iii) For hazardous substances deemed indicator hazardous substances for ground water under WAC 173-340-708(2) and for which there is no value in Table 720-1 or applicable state and federal laws, concentrations that do not exceed natural background or the practical quantitation limit, subject to the limitations in this chapter.

(4) Method B cleanup levels for potable ground water.

(a) Applicability. Method B potable ground water cleanup levels consist of standard and modified cleanup levels determined using the procedures in this subsection. Either standard or modified Method B ground water cleanup levels

based on drinking water beneficial uses may be used at any site.

(b) Standard Method B potable ground water cleanup levels. Where the ground water ~~((is a current or potential future source of))~~ cleanup level is based on a drinking water beneficial use, standard Method B cleanup levels shall be at least as stringent as all of the following:

(i) Applicable state and federal laws. Concentrations established under applicable state and federal laws, including the requirements in subsection ~~((2(a)))~~ (3)(b)(ii) of this section;

(ii) Protection of surface water beneficial uses. Concentrations established in accordance with the methods specified in WAC 173-340-730 for protecting surface water beneficial uses, unless it can be demonstrated that the hazardous substances are not likely to reach surface water. This demonstration must be based on factors other than implementation of a cleanup action at the site.

(iii) Human health protection. For hazardous substances for which sufficiently protective, health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which protect human health as determined by the following methods:

(A) Noncarcinogens. Concentrations ~~((which))~~ that are estimated to result in no acute or chronic toxic effects on human health as determined using ~~((the following equation and standard exposure assumptions:))~~ Equation 720-1.

[Equation 720-1]

$$\text{Ground water cleanup level} = \frac{\text{RfD} \times \text{ABW} \times \text{UCF} \times \text{HQ}}{\text{DWIR} \times \text{INH} \times \text{DWF}} \text{ (ug/l)}$$

Where:

- RfD = Reference dose as specified in WAC 173-340-708(7) (mg/kg-day)
- ABW = Average body weight during the period of exposure (16 kg)
- UCF = Unit conversion factor (1,000 ug/mg)
- HQ = Hazard quotient (1) (unitless)
- DWIR = Drinking water ingestion rate (1.0 liter/day)
- INH = Inhalation correction factor ~~((as defined in WAC 173-340-720(7);))~~ (use value of 2 for volatile organic compounds and 1 for all other substances (unitless))
- DWF = Drinking water fraction (1.0) (unitless)

(B) Carcinogens. For known or suspected carcinogens, concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to ~~((1 in 1,000,000))~~ one in one million (1 x 10⁻⁶) as determined using ~~((the following equation and standard exposure assumptions:))~~ Equation 720-2.

[Equation 720-2]

$$\text{Ground water cleanup level} = \frac{\text{RISK} \times \text{ABW} \times \text{LIFE} \times \text{UCF}}{\text{CPF} \times \text{DWIR} \times \text{DUR} \times \text{INH} \times \text{DWF}} \text{ (ug/l)}$$

Where:

- RISK = Acceptable cancer risk level (1 in 1,000,000) (unitless)
- ABW = Average body weight during the period of exposure (70 kg)
- LIFE = Lifetime (75 years)

- UCF = Unit conversion factor (1,000 ug/mg)
 CPF = Carcinogenic potency factor as specified in WAC 173-340-708(8) (kg-day/mg)
 DWIR = Drinking water ingestion rate (2.0 liters/day)
 DUR = Duration of exposure (30 years)
 INH = Inhalation correction factor ((as defined in WAC 173-340-720(7);) (use value of 2 for volatile organic compounds and 1 for all other substances (unitless))
 DWF = Drinking water fraction (1.0) (unitless)

~~((b) The department may establish method B cleanup levels that are more stringent than those required by subsection (3)(a) of this section, when, based on site specific evaluations, the department determines such levels are necessary to protect human health and the environment. This may include the following:~~

- ~~(i) Concentrations which are necessary to protect sensitive sub groups;~~
~~(ii) Concentrations which eliminate or minimize the potential for food chain contamination;~~
~~(iii) Concentrations which eliminate or minimize the potential for damage to soils or biota in the soils which could impair the use of the soil for agricultural or silvicultural purposes;~~
~~(iv) Concentrations which eliminate or minimize the potential for the accumulation of vapors in buildings or other structures to concentrations which pose a threat to human health or the environment; and~~
~~(v) Concentrations which protect nearby surface waters. In general, these will be based on attaining surface water cleanup levels in the surface water as close as technically possible to the point or points where the ground water flows into the surface water.~~

~~(e) Method B cleanup levels to protect beneficial uses of ground water other than drinking water shall be established by the department on a case by case basis.~~

~~(4)) (C) **Petroleum mixtures.** For noncarcinogenic effects of petroleum mixtures, a total petroleum hydrocarbon cleanup level shall be calculated taking into account the additive effects of the petroleum fractions and volatile organic compounds present in the petroleum mixture. Equation 720-3 shall be used for this calculation. Cleanup levels for other noncarcinogens and known or suspected carcinogens within the petroleum mixture shall be calculated using Equations 720-1 and 720-2. See Table 830-1 for the analyses required for various petroleum products to use this method. A total petroleum hydrocarbon cleanup level for petroleum mixtures derived using Equation 720-3 shall be adjusted when necessary so that biological degradation of the petroleum does not result in exceedances of the maximum contaminant levels in chapter 246-290 WAC.~~

[Equation 720-3]

$$C_w = \frac{HI}{\left[\frac{DWIR \times DWF}{ABW \times UCF} \right] \times \sum_{i=1}^n \frac{F(i)}{RfD(i)} \times INH(i)}$$

Where:

- C_w = TPH ground water cleanup level (ug/l)
 HI = Hazard index (1) (unitless)
 DWIR = Drinking water intake rate (1.0 liter/day)
 DWF = Drinking water fraction (1.0) (unitless)
 ABW = Average body weight during the exposure period (16 kg)
 UCF = Unit conversion factor (1,000 ug/mg)
 $F_{(i)}$ = Fraction by weight of petroleum component (i). (Unitless) (Use site-specific ground water composition data, provided the data is representative of present and future conditions at the site, or use the ground water composition predicted by the four-phase partitioning model under WAC 173-340-747(6))
 $INH_{(i)}$ = Inhalation correction fraction for petroleum component (i) (use value of 2 for volatile organic compounds and 1 for all other components (unitless))
 $RfD_{(i)}$ = Reference dose of petroleum component (i) as specified in WAC 173-340-708(7) (mg/kg-day)
 n = The number of petroleum components (petroleum fractions plus volatile organic compounds with an RfD) present in the petroleum mixture. (See Table 830-1.)

(c) Modified Method B potable ground water cleanup levels. Modified Method B ground water cleanup levels for drinking water beneficial uses are standard Method B ground water cleanup levels modified with chemical-specific or site-specific data. When making these adjustments, the resultant cleanup levels shall meet applicable state and federal laws and health risk levels for standard Method B ground water cleanup levels. Changes to exposure assumptions must comply with WAC 173-340-708(10). The following adjustments may be made to the default assumptions in the standard Method B equations to derive modified Method B ground water cleanup levels for drinking water beneficial uses:

(i) The inhalation correction factor is an adjustment factor that takes into account exposure to hazardous substances that are volatilized and inhaled during showering and other domestic activities. When available, hazardous substance-specific information may be used to estimate this factor;

(ii) Where separate toxicity factors (reference doses and carcinogenic potency factors) are available for inhalation and oral exposures, the health hazards associated with the inhalation of hazardous substances in ground water during showering and other domestic activities may be evaluated separately from the health hazards associated with ingestion of drinking water. In these cases, the ground water cleanup level based on ingestion of drinking water shall be modified to take into account multiple exposure pathways in accordance with WAC 173-340-708(6);

(iii) The toxicity equivalency factor procedures described in WAC 173-340-708(8) may be used for assessing the potential carcinogenic risk of mixtures of chlorinated dibenzo-p-dioxins, chlorinated dibenzofurans and polycyclic aromatic hydrocarbons;

(iv) Adjustments to the reference dose and cancer potency factor may be made if the requirements in WAC 173-340-708 (7) and (8) are met; and

(v) Modifications incorporating new science as provided for in WAC 173-340-702 (14), (15) and (16).

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(d) Using modified Method B to evaluate ground water remediation levels. In addition to the adjustments allowed under (c) of this subsection, other adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357, and 173-340-708 (3)(d) and (10)(b).

(5) Method C cleanup levels for potable ground water.

(a) ((Method C cleanup levels may be approved by the department if the person undertaking the cleanup action can demonstrate that such levels are consistent with applicable state and federal laws, that all practicable methods of treatment have been utilized, that institutional controls are implemented in accordance with WAC 173-340-440, and that one or more of the conditions in WAC 173-340-706(1) exist.

(b) Where the ground water is a current or potential future source of drinking water as defined in subsection (1)(a) of this section, method C cleanup levels for ground water shall be at least as stringent as all of the following:

(i) Concentrations established under applicable state and federal laws, including the requirements in subsection (2)(a)(ii) of this section;

(ii) For hazardous substances for which sufficiently protective, health-based standards or criteria have not been established under applicable state and federal laws, those concentrations that protect human health as determined using the following methods:

(A) Concentrations which are estimated to result in no significant acute or chronic toxic effects on human health and are estimated in accordance with WAC 173-340-720 (3)(a)(ii)(A) except that the average body weight shall be 70 kg and the drinking water intake rate shall be 2 liters/day;

(B) Concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to 1 in 100,000 and are estimated in accordance with WAC 173-340-720 (3)(a)(ii)(B);

(e) The department may establish method C cleanup levels that are more stringent than those required by (b) of this subsection when, based on a site-specific evaluation, the department determines such levels are necessary to protect human health and the environment. This may include consideration of those factors listed in subsection (3)(b) of this section:

(d) Method C cleanup levels that protect beneficial uses of ground water other than drinking water shall be established by the department on a case-by-case basis.

(5) Multiple hazardous substances/multiple pathways of exposure.) Applicability. Method C potable ground water cleanup levels consist of standard and modified cleanup levels as described in this subsection.

The department may approve of both standard and modified Method C ground water cleanup levels based on drinking water beneficial uses only at sites qualifying under WAC 173-340-706(1).

(b) Standard Method C potable ground water cleanup levels. Where the ground water cleanup level is based on a drinking water beneficial use and the site qualifies

for a Method C ground water cleanup level, the standard Method C cleanup levels for ground water shall be at least as stringent as all of the following:

(i) Applicable state and federal laws. Concentrations established under applicable state and federal laws, including the requirements in subsection (3)(b)(ii) of this section;

(ii) Protection of surface water beneficial uses. Concentrations established in accordance with the methods specified in WAC 173-340-730 for protecting surface water beneficial uses, unless it can be demonstrated that the hazardous substances are not likely to reach surface water. This demonstration must be based on factors other than implementation of a cleanup action at the site.

(iii) Human health protection. For hazardous substances for which sufficiently protective, health-based standards or criteria have not been established under applicable state and federal laws, those concentrations that protect human health as determined using the following methods:

(A) Noncarcinogens. Concentrations that are estimated to result in no significant acute or chronic toxic effects on human health and are estimated using Equation 720-1, except that the average body weight shall be 70 kg and the drinking water intake rate shall be 2 liters/day;

(B) Carcinogens. Concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to one in one hundred thousand (1×10^{-5}), using Equation 720-2;

(C) Petroleum mixtures. Cleanup levels for petroleum mixtures shall be determined as specified in subsection (4)(b)(ii)(C) of this section except that the average body weight shall be 70 kg and the drinking water rate shall be 2 liters/day.

(c) Modified Method C potable ground water cleanup levels. Modified Method C ground water cleanup levels for drinking water beneficial uses are standard Method C ground water cleanup levels modified with chemical-specific or site-specific data. The same limitations and adjustments specified for modified Method B in subsection (4)(c) of this section apply to modified Method C ground water cleanup levels.

(d) Using Modified Method C to evaluate ground water remediation levels. In addition to the adjustments allowed under (c) of this subsection, other adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357, and 173-340-708 (3)(d) and (10)(b).

(6) Cleanup levels for nonpotable ground water.

(a) Applicability. Ground water cleanup levels may be established under this subsection only if the contaminated ground water is not classified as potable under subsection (2) of this section.

(b) Requirements. Cleanup levels shall be established in accordance with either of the following:

(i) The methods specified in subsections (3), (4) or (5) of this section, as applicable, for protection of drinking water beneficial uses; or

(ii) A site-specific risk assessment as provided for under (c) of this subsection for protection of other ground water beneficial uses.

(c) Site-specific risk assessment.

(i) Method B site-specific ground water cleanup levels. Where a site-specific risk assessment is used to establish a Method B ground water cleanup level under (b)(ii) of this subsection, the risk assessment shall conform to the requirements in WAC 173-340-702 and 173-340-708. The risk assessment shall evaluate all potential exposure pathways and ground water uses at the site, including potential impacts to persons engaged in site development or utility construction and maintenance activities. The risk assessment shall demonstrate the following:

(A) The cleanup levels will meet any applicable state and federal laws (drinking water standards are not applicable to these sites);

(B) The cleanup levels will result in no significant acute or chronic toxic effects on human health as demonstrated by not exceeding a hazard quotient of one (1) for individual hazardous substances;

(C) The cleanup levels will result in an upper bound on the estimated excess cancer risk that is less than or equal to one in one million (1×10^{-6}) for individual hazardous substances;

(D) For organic hazardous substances and petroleum products, the cleanup levels comply with the limitation on free product in subsection (7)(d) of this section;

(E) The cleanup levels will not exceed the surface water cleanup levels derived under WAC 173-340-730 at the ground water point of compliance or exceed the surface water or sediment quality standards at any point downstream, unless it can be demonstrated that the hazardous substances are not likely to reach surface water. This demonstration must be based on factors other than implementation of a cleanup action at the site; and

(F) Where it is demonstrated that hazardous substances are not likely to reach surface water, the use of a ground water cleanup level less stringent than a surface water cleanup level will not pose a threat to surface water through pathways that could result in ground water affected by the site entering surface water (such as use of the water for irrigation or discharges from foundation drains or utility corridors).

(ii) Method C site-specific ground water cleanup levels.

(A) **Applicability.** The department may approve of a site-specific Method C ground water cleanup level derived under (b)(ii) of this subsection only at sites qualifying under WAC 173-340-706(1).

(B) **Requirements.** Where a site-specific risk assessment is used to establish a Method C ground water cleanup level under (b)(ii) of this subsection, the site-specific risk assessment shall comply with the requirements in (c)(i) of this subsection except that the level of risk for individual carcinogens shall be one in one hundred thousand (1×10^{-5}).

(iii) **Limitations on the use of site-specific risk assessment.** If the site-specific risk assessment results in a Method B or Method C ground water cleanup level that exceeds the applicable potable ground water cleanup level derived under

(b)(i) of this subsection, then the potable ground water cleanup level shall be used unless the following conditions are met:

(A) All potentially affected property owners, local governments, tribes and water purveyors with jurisdiction in the area potentially affected by the ground water contamination have been mailed a notice of the proposal and provided an opportunity to comment. The notice shall specifically ask for information on existing and planned uses of the ground water. The notice shall be in addition to any notice provided under WAC 173-340-600. In determining whether it is appropriate to use a cleanup level less stringent than the potable ground water cleanup level, the department will give greater weight to information based on an adopted or pending plan or similar preexisting document.

(B) The cleanup action includes institutional controls complying with WAC 173-340-440 that will prevent the use of contaminated ground water for drinking water purposes at any point between the source of hazardous substances and the point(s) of entry of ground water into the surface water.

(7) Adjustments to cleanup levels.

(a) **Total site risk adjustments.** Ground water cleanup levels for individual hazardous substances developed in accordance with subsection ~~((s-3) and)~~ (4), (5) or (6) of this section, including those based on applicable state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting from more than one pathway of exposure. ~~These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}).~~ These adjustments shall be made in accordance with the procedures in WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one (1) and the total excess cancer risk shall not exceed one in one hundred thousand (1×10^{-5}).

(b) ~~((The overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including cleanup levels based on applicable state and federal laws.~~

~~(6))~~ **Adjustments to applicable state and federal laws.** Where a cleanup level developed under subsection (3), (4), (5), or (6) of this section is based on an applicable state or federal law and the level of risk upon which the standard is based exceeds an excess cancer risk of one in one hundred thousand (1×10^{-5}) or a hazard index of one (1), the cleanup level shall be adjusted downward so that the total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}) and the hazard index does not exceed one (1) at the site.

(c) Natural background and POL considerations. Cleanup levels determined under subsection (3), (4), (5), or (6) of this section, including cleanup levels adjusted under subsection (7)(a) and (b) of this section, shall not be set at levels below the practical quantitation limit or natural background concentrations. See WAC 173-340-707 and 173-340-709 for additional requirements pertaining to practical quantitation limits and natural background.

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(d) Free product limitation. For organic hazardous substances and total petroleum hydrocarbons, the cleanup level determined under subsection (3), (4), (5), or (6) shall not exceed a concentration that would result in free product being present in or on the ground water. Physical observations of ground water at or above the cleanup level, such as the lack of a film, sheen, or discoloration of the ground water or lack of sludge or emulsion in the ground water, may be used to determine compliance with this requirement.

(8) Point of compliance.

(a) **Point of compliance defined.** For ground water, the point of compliance is the point or points where the ground water cleanup levels established under subsection ~~((s-(2);))~~ (3), (4), ~~((and))~~ (5), or (6) of this section must be attained for a site to be in compliance with the cleanup standards. Ground water cleanup levels shall be attained in all ground waters from the point of compliance to the outer boundary of the hazardous substance plume.

(b) **Standard point of compliance for all sites.** The standard point of compliance shall be established throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the site.

(c) ~~((Where hazardous substances remain on-site as part of the cleanup action;))~~ **Conditional point of compliance.** Where it can be demonstrated under WAC 173-340-350 through 173-340-390 that it is not practicable to meet the cleanup level throughout the site within a reasonable restoration time frame, the department may approve a conditional point of compliance ((which)) that shall be as close as practicable to the source of hazardous substances, and except as provided under (d) of this subsection, not to exceed the property boundary. Where a conditional point of compliance is proposed, the person responsible for undertaking the cleanup action shall demonstrate that all practicable methods of treatment are to be ((utilized)) used in the site cleanup.

(d) ~~((At sites where the affected ground water flows into nearby surface water, the cleanup level may be based on protection of the surface water. At these sites))~~ **Off-property conditional point of compliance.** A conditional point of compliance shall not exceed the property boundary except in the three situations described below. In each of these three situations the person responsible for undertaking the cleanup action shall demonstrate that, in addition to making the demonstration required by (c) of this subsection, the following requirements are met:

(i) **Sites abutting surface water.** Where the ground water cleanup level is based on protection of surface water beneficial uses under subsection (3), (4), (5), or (6) of this section, and the property containing the source of contamination directly abuts the surface water, the department may approve a conditional point of compliance that is located within the surface water as close as technically possible to the point or points where ground water flows into the surface water ~~((Conditional points of compliance may be approved only if the following requirements are met))~~ subject to the following conditions:

~~((i))~~ (A) It has been demonstrated that the contaminated ground water is entering the surface water and will con-

tinue to enter the surface water even after implementation of the selected cleanup action;

(B) It has been demonstrated under WAC 173-340-350 through 173-340-390 that it is not practicable to meet the cleanup level at a point within the ground water before entering the surface water, within a reasonable restoration time frame;

(C) Use of a ~~((dilution))~~ mixing zone under WAC ~~((173-201-035))~~ 173-201A-100 to demonstrate compliance with surface water cleanup levels shall not be allowed;

~~((ii))~~ (D) Ground water discharges shall be provided with all known available and reasonable methods of treatment ~~((prior to release))~~ before being released into surface waters;

~~((iii))~~ (E) Ground water discharges shall not result in violations of sediment quality values published in chapter 173-204 WAC; ~~((and~~

~~((iv))~~ (F) Ground water and surface water monitoring shall be ~~((performed to estimate contaminant flux rates and to address))~~ conducted to assess the long-term performance of the selected cleanup action including potential bioaccumulation problems resulting from surface water concentrations below method detection limits~~((-~~

(7) ~~Inhalation correction factors.~~

(a) ~~The inhalation correction factor is an adjustment factor which takes into account exposure to hazardous substances which are volatilized and inhaled during showering and other domestic activities. When available, hazardous substance specific information shall be used to estimate these values.~~

~~(b) Where hazardous substance specific information is not available, inhalation correction factors shall be one of the following:~~

~~(i) For volatile organic hazardous substances, 2; or~~

~~(ii) Other hazardous substances, 1.~~

~~(e) Where separate toxicity factors (reference doses and carcinogenic potency factors) are available for inhalation and oral exposures, the health hazards associated with the inhalation of hazardous substances in ground water during showering and other domestic activities may be evaluated separately from the health hazards associated with ingestion of drinking water. In these cases, the ground water cleanup level based on ingestion of drinking water shall be modified to take into account multiple exposure pathways in accordance with WAC 173-340-708(6).~~

~~(8)); and~~

(G) Before approving the conditional point of compliance, a notice of the proposal shall be mailed to the natural resource trustees, the Washington state department of natural resources and the United States Army Corps of Engineers. The notice shall be in addition to any notice provided under WAC 173-340-600 and invite comments on the proposal.

(ii) **Sites near, but not abutting, surface water.** Where the ground water cleanup level is based on protection of surface water beneficial uses under subsection (3), (4), (5), or (6) of this section and the property that is the source of the contamination is located near, but does not directly abut, a surface water body, the department may approve a conditional point of compliance that is located as close as practicable to

the source, not to exceed the point or points where the ground water flows into the surface water.

For a conditional point of compliance to be approved under this provision the conditions specified in (d)(i) of this section must be met and the affected property owners between the source of contamination and the surface water body must agree to the use of the conditional point of compliance. Also, if the contamination has not reached the surface water, the conditional point of compliance cannot extend beyond the extent of ground water contamination at the time the department approves the conditional point of compliance.

(iii) Area-wide conditional point of compliance. As part of remedy selection, the department may approve an area-wide conditional point of compliance to address an area-wide ground water contamination problem. The area-wide conditional point(s) of compliance shall be as close as practicable to each source of hazardous substances, not to exceed the extent of ground water contamination at the time the department approves an area-wide conditional point of compliance.

This provision may be applied only at areas that are affected by hazardous substances released from multiple sources that have resulted in commingled plumes of contaminated ground water that are not practicable to address separately. A site may have more than one area-wide conditional point of compliance to address multiple sources and types of contaminants. An area-wide conditional point of compliance may be approved under this provision only if all of the following conditions have been met:

(A) The person conducting the cleanup action has complied with WAC 173-340-350 through 173-340-390, including a demonstration that it is not practicable to meet a point of compliance throughout the ground water contamination within a reasonable restoration time frame;

(B) A plan has been developed for implementation of the cleanup action, including a description of how any necessary access to the affected properties will be obtained;

(C) If the contaminated ground water is considered to be potable under WAC 173-340-720(2), current developments in the area encompassed by the area-wide conditional point of compliance and any other areas potentially affected by the ground water contamination are served by a public water system that obtains its water from an offsite source and it can be demonstrated that the water system has sufficient capacity to serve future development in these areas. This demonstration may be made by obtaining a written statement to this effect from the water system operator;

(D) All property owners, tribes, local governments, and water purveyors with jurisdiction in the area potentially affected by the ground water contamination, have been mailed a notice of the proposal to establish an area-wide conditional point of compliance and provided an opportunity to comment. The notice shall specifically ask for information on existing and planned uses of the ground water. The notice shall be in addition to any notice provided under WAC 173-340-600. The department will give greater weight to information based on an adopted or pending plan or similar preexisting document. When the department is providing technical assistance under WAC 173-340-515, the department shall

also provide notice and an opportunity to comment to the public through the Site Register before issuing a written opinion.

(E) Other conditions as determined by the department on a case-by-case basis.

(e) Monitoring wells and surface water compliance.

(i) The department may require or approve the use of upland monitoring wells located between the surface water and the source of contamination to establish compliance where a conditional point of compliance has been established under subsection (8)(d)(i) or (ii) of this section.

(ii) Where such monitoring wells are used, the department should consider an estimate of natural attenuation between the monitoring well and the point or points where ground water flows into the surface water in evaluating whether compliance has been achieved.

(iii) When evaluating how much, if any, natural attenuation will occur, the department shall consider site-specific factors including:

(A) Whether the ground water could reach the surface water in ways that would not provide for natural attenuation within the ground water flow system (such as short circuiting through high permeability zones, utility corridors or foundation drains); and

(B) Whether changes to the ground water chemistry due to natural attenuation processes would cause an exceedance of surface water or sediment quality standards.

(9) Compliance monitoring.

(a) When ground water cleanup levels have been established at a site, sampling of the ground water shall be conducted to determine if compliance with the ground water cleanup levels has been achieved. Compliance with ground water cleanup levels shall be determined by ~~((analyses of))~~ analysis of ground water samples representative of the ground water. Surface water analysis, bioassays or other biomonitoring methods may also be required where the ground water cleanup level is based on protection of surface water. Sampling and analytical procedures shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. The sample design shall provide data that are representative of the site.

(b) Analyses shall be conducted on unfiltered ground water samples, unless it can be demonstrated that a filtered sample provides a more representative measure of ground water quality. Ecology expects that filtering will generally be acceptable for iron and manganese and other naturally occurring inorganic substances where:

(i) A properly constructed monitoring well cannot be sufficiently developed to provide low turbidity water samples;

(ii) Due to the natural background concentration of hazardous substances in the aquifer material, unfiltered samples would not provide a representative measure of ground water quality; and

(iii) Filtering is performed in the field with all practicable measures taken to avoid exposing the ground water sample to the ambient air ~~((prior to))~~ before filtering.

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~~((iv) Ecology expects that filtering will generally be allowed for hazardous substances such as iron and manganese.~~

~~(b) Sampling and analytical procedures shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. The sample design shall provide data which are representative of the site.)~~

(c) The data analysis and evaluation procedures used to evaluate compliance with ground water cleanup levels shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. These procedures shall meet the following general requirements:

(i) Methods of data analysis shall be consistent with the sampling design;

(ii) When cleanup levels are based on requirements specified in applicable state and federal laws, the procedures for evaluating compliance that are specified in those requirements shall be ~~((utilized))~~ used to evaluate compliance with cleanup levels unless those procedures conflict with the intent of this section;

(iii) Where procedures for evaluating compliance are not specified in an applicable state and federal law, statistical methods used shall be appropriate for the distribution of sampling data for each hazardous substance. ~~((If the distribution of sampling data for a hazardous substance is inappropriate for statistical methods based on a normal distribution, then the data may be transformed.))~~ If the distributions for hazardous substances differ, more than one statistical method may be required;

(iv) Compliance with ground water cleanup levels shall be determined for each ground water monitoring well or other monitoring points such as a spring;

(v) The data analysis procedures identified in the compliance monitoring plan shall specify the statistical parameters to be used to determine compliance with ground water cleanup levels.

(A) For ~~((clean))~~ cleanup levels based on short-term or acute toxic effects on human health or the environment, an upper percentile concentration shall be used to evaluate compliance with ground water cleanup levels.

(B) For cleanup levels based on chronic or carcinogenic threats, the true mean concentration shall be used to evaluate compliance with ground water cleanup levels ~~((unless there are large variations in concentrations relative to the mean concentration or a large percentage of concentrations below the detection limit;))~~.

(vi) When active ground water restoration is performed, or containment technologies are used that incorporate active pumping of ground water, compliance with ground water cleanup levels shall be determined when the ground water characteristics at the site are no longer influenced by the cleanup action.

(d) ~~((Appropriate statistical methods include the following:~~

~~(i) A procedure in which a confidence interval for each hazardous substance is established from ground water sampling data and the ground water cleanup level is compared to the upper confidence interval; and))~~ When data analysis procedures for evaluating compliance are not specified in an

applicable state or federal law, the following procedures shall be used:

(i) A confidence interval approach that meets the following requirements:

(A) The upper one-sided ninety-five percent confidence limit on the true mean ground water concentration shall be less than the ground water cleanup level. For lognormally distributed data, the upper one-sided ninety-five percent confidence limit shall be calculated using Land's method; and

(B) Data shall be assumed to be lognormally distributed unless this assumption is rejected by a statistical test. If a log-normal distribution is inappropriate, data shall be assumed to be normally distributed unless this assumption is rejected by a statistical test. The W test, D'Agostino's test, or, censored probability plots, as appropriate for the data, shall be the statistical methods used to determine whether the data is lognormally or normally distributed.

(ii) Evaluations conducted under subsection (10)(c)(v)(A) of this subsection may use a parametric test for percentiles based on tolerance intervals to test the proportion of ground water samples having concentrations less than the ground water cleanup level. When using this method, the true proportion of samples that exceed the ground water cleanup level shall be less than ninety percent. Statistical tests shall be performed with a Type I error level of 0.05; or

(iii) Other statistical methods approved by the department.

~~((If a confidence interval approach is used to evaluate compliance with a ground water cleanup level, the decision rule is a one-tailed test of the null hypothesis that the true ground water concentration exceeds the ground water cleanup level. Compliance with a ground water cleanup level shall be determined using the following criteria:))~~ All data analysis methods used, including those specified in state or federal law, must meet the following requirements:

~~((The upper confidence limit on the true ground water concentration shall be less than the ground water cleanup level. Statistical tests shall be performed at a Type I error level of 0.05;~~

~~((ii))~~ No single sample concentration shall be greater than two times the ground water cleanup level. Higher exceedances to control false positive error rates at five percent may be approved by the department when the cleanup level is based on background concentrations; and

~~((iii))~~ (ii) Less than ten percent of the sample concentrations shall exceed the ground water cleanup level during a representative sampling period. Higher exceedances to control false positive error rates at five percent may be approved by the department when the cleanup level is based on background concentrations; and

~~((If a method to test the proportion of ground water samples is used to evaluate compliance with a ground water cleanup level, compliance shall be determined using the following criteria:~~

~~(i) The true proportion of samples that exceed the ground water cleanup level shall be less than fifty percent. Statistical tests shall be performed with a Type I error level of 0.05; and~~

~~(ii) No single sample concentration shall be greater than two times the ground water cleanup level; and~~

~~(iii) Less than ten percent of the sample concentrations shall exceed the ground water cleanup level during a representative sampling period.~~

~~(g) For purposes of demonstrating)) When using statistical methods to demonstrate compliance with ground water cleanup levels, the following procedures shall be used for measurements below the practical quantitation limit:~~

~~(i) Measurements below the method detection limit shall be assigned a value equal to one-half the method detection limit when not more than fifteen percent of the measurements are below the practical quantitation limit.~~

~~(ii) Measurements above the method detection limit but below the practical quantitation limit shall be assigned a value equal to the method detection limit when not more than fifteen percent of the measurements are below the practical quantitation limit.~~

~~(iii) When between fifteen and fifty percent of the measurements are below the practical quantitation limit and the data are assumed to be lognormally or normally distributed, Cohen's method shall be used to calculate a corrected mean and standard deviation for use in calculating an upper confidence limit on the true mean ground water concentration.~~

~~(iv) If more than fifty percent of the measurements are below the practical quantitation limit, the largest value in the data set shall be used in place of an upper confidence limit on the true mean ground water calculation.~~

~~(v) If a hazardous substance or petroleum fraction has never been detected in any sample at a site and these substances are not suspected of being present at the site based on site history and other knowledge, that hazardous substance or petroleum fraction may be excluded from the statistical analysis.~~

~~(vi) The department may approve alternate statistical procedures for handling nondetected values or values below the practical quantitation limit. ((Alternate procedures may include probit analysis and regression analysis.))~~

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

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-730 Surface water cleanup standards.

(1) General considerations.

(a) Surface water cleanup levels shall be based on estimates of the highest beneficial use and the reasonable maximum exposure expected to occur under both current and potential future site use conditions. The classification and the highest beneficial use of a surface water body ~~((shall be)),~~ determined in accordance with chapter ~~((173-201))~~ 173-201A WAC, ~~((as amended.))~~ shall be used to establish the reasonable maximum exposure for that water body. Surface water cleanup levels shall use this presumed exposure scenario and shall be established in accordance with this section.

(b) In the event of a release of a hazardous substance to surface water from a site, ~~((treatment, removal, or containment measures))~~ a cleanup action that complies with this chapter shall be conducted to ~~((reduce the level of hazardous substances in surface water to concentrations consistent with~~

~~uses specified under this section and chapter 173-201 WAC, as amended))~~ address all areas of the site where the concentration of the hazardous substances in the surface water exceeds cleanup levels.

~~((b))~~ (c) Surface water cleanup levels established under this section apply to those surface waters of the state affected or potentially affected by releases of hazardous substances from sites addressed under this chapter. Ecology does not expect that cleanup standards will be applied to storm water runoff that is in the process of being conveyed to a treatment system.

~~((e) Releases of hazardous substances to))~~ (d) Surface water ~~((s of the state))~~ cleanup levels shall be established at concentrations that do not directly or indirectly cause violations of ground water, soil, sediment, or air cleanup standards established under this chapter or other applicable state and federal laws. A site that qualifies for a Method C surface water cleanup level under this section does not necessarily qualify for a Method C cleanup level in other media. Each medium must be evaluated separately using the criteria applicable to that medium.

(e) The department may require more stringent cleanup levels than specified in this section where necessary to protect other beneficial uses or otherwise protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708.

(2) Method A surface water cleanup levels.

(a) **Applicability.** Method A surface water cleanup levels may only be used at sites that qualify under WAC 173-340-704(1).

(b) **General requirements.** Method A surface water cleanup levels shall be at least as stringent as all of the following:

(i) Concentrations established under applicable state and federal laws, including the following requirements:

~~((+))~~ (A) All water quality criteria published in the water quality standards for surface waters of the state of Washington, chapter 173-201A WAC, as amended;

~~((+))~~ (B) Water quality criteria based on the protection of aquatic organisms (acute and chronic criteria) and human health published ~~((pursuant to))~~ under section 304 of the Clean Water Act.

~~((b) The department may establish method A cleanup levels that are more stringent than those required under subsection (2)(a) of this section, when, based on site specific evaluations, the department determines that such levels are necessary to protect human health and the environment.))~~ (C) National toxics rule (40 C.F.R. Part 131);

(ii) For surface waters that are classified as suitable for use as a domestic water supply under chapter 173-201A (excluding marine waters), concentrations derived using the methods specified in WAC 173-340-720 for drinking water beneficial uses; and

(iii) For a hazardous substance deemed an indicator hazardous substance for surface water under WAC 173-340-708(2) and for which there is no value in applicable state and federal laws, a concentration that does not exceed the natural

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background concentration or the practical quantitation limit, subject to the limitations in this chapter.

(3) Method B surface water cleanup levels.

(a) **Applicability.** Method B surface water cleanup levels consist of standard and modified cleanup levels as described in this subsection. Either standard or modified Method B surface water cleanup levels may be used at any site.

(b) **Standard Method B surface water cleanup levels.** Standard Method B cleanup levels for surface waters shall be at least as stringent as all of the following:

(i) **Applicable state and federal laws.** Concentrations established under applicable state and federal laws, including the following requirements:

(A) All water quality criteria published in the water quality standards for surface waters of the state of Washington, chapter ~~(173-201)~~ 173-201A WAC ~~(, as amended; and);~~

(B) Water quality criteria based on the protection of aquatic organisms (acute and chronic criteria) and human health published ~~((pursuant to))~~ under section 304 of the Clean Water Act unless it can be demonstrated that such criteria are not relevant and appropriate for a specific surface water body or hazardous substance(-); and

(C) National toxics rule (40 C.F.R. Part 131);

(ii) **Environmental effects.** For hazardous substances for which environmental effects-based concentrations have not been established under applicable state or federal laws, concentrations ((which)) that are estimated to result in no adverse effects on the protection and propagation of wildlife, fish, and other aquatic life. Whole effluent toxicity testing using the protocols described in chapter 173-205 WAC may be used to make this demonstration for fish and aquatic life;

(iii) **Human health protection.** For hazardous substances for which sufficiently protective, health-based criteria or standards have not been established under applicable state and federal laws, those concentrations ~~((which))~~ that protect human health as determined by the following methods:

(A) **Noncarcinogens.** For surface waters ~~((which))~~ that support or have the potential to support fish or shellfish populations, concentrations which are ((anticipated)) estimated to result in no acute or chronic toxic effects on human health as determined using ((the following)) Equation((s and standard exposure assumptions:)) 730-1.

[Equation 730-1]

$$\text{Surface water cleanup level} = \frac{\text{RfD} \times \text{ABW} \times \text{UCF1} \times \text{UCF2} \times \text{HQ}}{\text{BCF} \times \text{FCR} \times \text{FDF}} \text{ (ug/l)}$$

Where:

- RfD = Reference dose as specified in WAC 173-340-708(7) (n.g/kg-day)
- ABW = Average body weight during the exposure period (70 kg)
- UCF1 = Unit conversion factor (1,000 ug/mg)
- UCF2 = Unit conversion factor (1,000 grams/liter)
- BCF = ~~((Fish))~~ Bioconcentration factor as defined in WAC 173-340-708(9) ((unitless)) (liters/kilogram)
- FCR = Fish consumption rate (54 grams/day)

FDF = Fish diet fraction (0.5) (unitless)

HQ = Hazard ((Index)) quotient (1) (unitless)

(B) **Carcinogens.** For surface waters which support or have the potential to support fish or shellfish populations, concentrations ~~((which))~~ that are ((anticipated)) estimated to result in an excess cancer risk less than or equal to ((+in 1,000,000)) one in one million (1 x 10⁻⁶) as determined using ((the following)) Equation ((and standard exposure assumptions:)) 730-2.

[Equation 730-2]

$$\text{Surface water cleanup level} = \frac{\text{RISK} \times \text{ABW} \times \text{LIFE} \times \text{UCF1} \times \text{UCF2}}{\text{CPF} \times \text{BCF} \times \text{FCR} \times \text{FDF} \times \text{DUR}} \text{ (ug/l)}$$

Where:

- CPF = Carcinogenic potency factor as specified in WAC 173-340-708(8) (kg-day/mg)
- RISK = Acceptable cancer risk level (1 in 1,000,000) (unitless)
- ABW = Average body weight during the exposure period (70 kg)
- LIFE = Lifetime (75 years)
- UCF1 = Unit conversion factor (1,000 ug/mg)
- UCF2 = Unit conversion factor (1,000 grams/liter)
- BCF = ~~((Fish))~~ Bioconcentration factor as defined in WAC 173-340-708(9) ((unitless)) (liters/kilogram)
- FCR = Fish consumption rate (54 grams/day)
- FDF = Fish diet fraction (0.5) (unitless)
- DUR = Duration of exposure (30 years)((:))

(C) **Petroleum mixtures.** For noncarcinogenic effects of petroleum mixtures, a total petroleum hydrocarbon cleanup level shall be calculated using Equation 730-1 and by taking into account the additive effects of the petroleum fractions and volatile hazardous substances present in the petroleum mixture. As an alternative to this calculation, the total petroleum hydrocarbon cleanup levels in Table 720-1 may be used. Cleanup levels for other noncarcinogens and known or suspected carcinogens within the petroleum mixture shall be calculated using Equations 730-1 and 730-2. See Table 830-1 for the analyses required for various petroleum products to use this method; and

(iv) **Drinking water considerations.** For surface waters ~~((which represent a source or potential future source of drinking water))~~ that are classified as suitable for use as a domestic water supply under chapter 173-201A WAC, concentrations ((which are anticipated to result in no adverse impacts on human health as established in accordance with)) derived using the methods specified in WAC 173-340-720((:)) for drinking water beneficial uses.

(c) Modified Method B surface water cleanup levels. Modified Method B surface water cleanup levels are standard Method B surface water cleanup levels modified with chemical-specific or site-specific data. When making these adjustments, the resultant cleanup levels shall meet applicable state and federal laws and health risk levels required for standard Method B surface water cleanup levels. Changes to exposure assumptions must comply with WAC 173-340-708(10). The following adjustments may be made to the default assumptions in the standard Method B equations to derive modified Method B surface water cleanup levels:

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(i) Adjustments to the reference dose and cancer potency factor may be made if the requirements in WAC 173-340-708 (7) and (8) are met;

(ii) Adjustments to the bioconcentration factor may be made if the requirements in WAC 173-340-708(9) are met;

(iii) Where a numeric environmental effects-based water quality standard does not exist, bioassays that use methods other than those specified in chapter 173-205 WAC may be approved by the department to establish concentrations for the protection of fish and other aquatic life;

(iv) The toxicity equivalency factor procedures described in WAC 173-340-708(8) may be used for assessing the potential carcinogenic risk of mixtures of chlorinated dibenzo-p-dioxins, chlorinated dibenzofurans and polycyclic aromatic hydrocarbons; and

(v) Modifications incorporating new science as provided for in WAC 173-340-702 (14), (15) and (16).

(d) Using modified Method B to evaluate surface water remediation levels. In addition to the adjustments allowed under subsection (3)(c) of this section, adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357, and 173-340-708 (3)(d) and (10)(b).

~~((b) The department may establish method B cleanup levels more stringent than those required by subsection (3)(a) of this section, when, based on site-specific evaluations, the department determines that such levels are necessary to protect human health and the environment.))~~

(4) Method C surface water cleanup levels.

(a) Applicability. Method C surface water cleanup levels consist of standard and modified cleanup levels as described in this subsection. Either standard or modified Method C cleanup levels may be approved by the department if the person undertaking the cleanup action can demonstrate that such levels are consistent with applicable state and federal laws, that all practicable methods of treatment have been ((utilized)) used, that institutional controls are implemented in accordance with WAC 173-340-440, and that one or more of the conditions in WAC 173-340-706(1) exist.

(b) Standard Method C surface water cleanup levels. Method C cleanup levels for surface waters shall be at least as stringent as all of the following:

(i) Applicable state and federal laws. Concentrations established under applicable state and federal laws, including the requirements identified in subsection (3)((a)) (b)(i) of this section;

(ii) Environmental effects. For hazardous substances for which an environmental effects based concentration has not been established under applicable state or federal laws, those concentrations which are estimated to result in no significant adverse effects on the protection and propagation of wildlife, fish and other aquatic life. Whole effluent toxicity testing using the protocols described in chapter 173-205 WAC may be used to make this demonstration for fish and aquatic life;

(iii) Human health protection. For hazardous substances for which sufficiently protective, health-based crite-

ria or standards have not been established under applicable state and federal laws, those concentrations which protect human health ((and the environment)) as determined by the following methods:

(A) Noncarcinogens. For surface waters ((which)) that support or have the potential to support fish or shellfish populations, concentrations ((which)) that are estimated to result in no significant acute or chronic toxic effects on human health ((or the environment)) and are estimated in accordance with ((WAC 173-340-730 (3)(a)(iii)(A))) Equation 730-1 except that the fish diet fraction shall be twenty percent (0.2);

(B) Carcinogens. For surface waters ((which)) that support or have the potential to support fish or shellfish populations, concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to ((1 in 100,000)) one in one hundred thousand (1×10^{-5}) and are estimated in accordance with ((WAC 173-340-730 (3)(a)(iii)(B))) Equation 730-2 except that the fish diet fraction shall be twenty percent (0.2);

(C) Petroleum mixtures. Cleanup levels for petroleum mixtures shall be calculated as specified in subsection (3)(b)(iii)(C) of this section, except that the fish diet fraction shall be twenty percent (0.2); and

(iv) Drinking water considerations. For surface waters ((which represent a source or potential future source of drinking water)) that are classified as suitable for use as a domestic water supply under chapter 173-201A WAC, concentrations ((which are estimated to result in no adverse impacts on human health and are established in accordance with)) derived using the methods specified for drinking water beneficial uses in WAC 173-340-720((4); and

~~((e) The department may establish method C cleanup levels that are more stringent than those required by (b) of this subsection when, based on site-specific evaluations, the department determines that such levels are necessary to protect human health and the environment.))~~

(c) Modified Method C surface water cleanup levels. Modified Method C surface water cleanup levels are standard Method C surface water cleanup levels modified with chemical-specific or site-specific data. The same limitations and adjustments specified for modified Method B in subsection (3)(c) of this section apply to modified Method C surface water cleanup levels.

(d) Using modified Method C to evaluate surface water remediation levels. In addition to the adjustments allowed under subsection (4)(c) of this section, adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357, and 173-340-708 (3)(d) and (10)(b).

(5) ~~((Multiple hazardous substances/multiple pathways of exposure:))~~ Adjustments to cleanup levels.

(a) Total site risk adjustments. Surface water cleanup levels for individual hazardous substances developed in accordance with subsections (3) and (4) of this section, including those based on applicable state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting

from more than one pathway of exposure. These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) and the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}). These adjustments shall be made in accordance with the procedures specified in WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one (1) and the total excess cancer risk shall not exceed one in one hundred thousand (1×10^{-5}).

~~(b) ((These overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including cleanup levels based on applicable state and federal laws.))~~ **Adjustments to applicable state and federal laws.** Where a cleanup level developed under subsection (2), (3) or (4) of this section is based on an applicable state or federal law and the level of risk upon which the standard is based exceeds an excess cancer risk of one in one hundred thousand (1×10^{-5}) or a hazard index of one (1), the cleanup level shall be adjusted downward so that the total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}) and the hazard index does not exceed one (1) at the site.

(c) Natural background and PQL considerations. Cleanup levels determined under subsections (2), (3) and (4) of this section, including cleanup levels adjusted under subsection (5)(a) and (b) of this subsection, shall not be set at levels below the practical quantitation limit or natural background concentration. See WAC 173-340-707 and 173-340-709 for additional requirements pertaining to practical quantitation limits and natural background concentrations.

(d) Free product limitation. For organic hazardous substances and petroleum hydrocarbons, the cleanup level shall not exceed a concentration that would result in free product being present in or on the surface water. Physical observations of surface water at or above the cleanup level, such as the lack of a film, sheen, discoloration, sludge or emulsion in the surface water or adjoining shoreline, may be used to determine compliance with this requirement.

(6) Point of compliance.

(a) The point of compliance for the surface water cleanup levels shall be the point or points at which hazardous substances are released to surface waters of the state unless the department has authorized a ~~((dilution))~~ mixing zone in accordance with chapter 173-201A WAC ((173-201-035)).

(b) Where hazardous substances are released to the surface water as a result of ground water flows, no ~~((dilution))~~ mixing zone shall be allowed to demonstrate compliance with surface water cleanup levels. See WAC 173-340-720 ~~((6))~~ (8)(d) for additional requirements for sites where contaminated ground water is flowing into surface water.

(7) Compliance monitoring.

(a) When surface water cleanup levels have been established at a site, sampling of the surface water shall be conducted to determine if compliance with the surface water cleanup levels has been achieved. Sampling and analytical procedures shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. The sample design shall provide data which are representative of the site.

(b) The data analysis and evaluation procedures used to evaluate compliance with surface water cleanup levels shall be defined in a compliance monitoring plan prepared under WAC 173-340-410.

(c) Compliance with surface water cleanup standards shall be determined by analyses of unfiltered surface water samples, unless it can be demonstrated that a filtered sample provides a more representative measure of surface water quality.

(d) When surface water cleanup levels are based on requirements specified in applicable state and federal laws, the procedures for evaluating compliance that are specified in those requirements shall be ~~((utilized))~~ used to evaluate compliance with surface water cleanup levels unless ~~((these))~~ those procedures conflict with the intent of this section.

(e) Where procedures for evaluating compliance are not specified in an applicable state and federal law, compliance with surface water cleanup levels shall be evaluated using procedures approved by the department. Where statistical methods are used to evaluate compliance, the statistical methods ~~((used to evaluate compliance with surface water cleanup levels))~~ shall be appropriate for the distribution of the hazardous substance sampling data. If the distribution of the hazardous substance sampling data is inappropriate for statistical methods based on a normal distribution, then the data may be transformed. If the distributions of individual hazardous substances differ, more than one statistical method may be required.

~~(f) ((For purposes of demonstrating compliance, measurements below the method detection limit shall be assigned a value equal to one-half of the method detection limit. Measurements above the method detection limit but below the practical quantitation limit shall generally be assigned a value equal to the method detection limit. The department may approve alternate statistical procedures for handling non-detected values or values below the practical quantitation limit. Alternate statistical procedures may include probit analysis and regression analysis.~~

~~(g))~~ Sampling and analysis of fish tissue ((ø)), shellfish, or other aquatic organisms and sediments may be required to supplement water column sampling during compliance monitoring.

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

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-740 Unrestricted land use soil cleanup standards. (1) **General considerations.**

(a) Presumed exposure scenario soil cleanup levels shall be based on estimates of the reasonable maximum exposure expected to occur under both current and future site use conditions. The department has determined that residential land use is generally the site use requiring the most protective cleanup levels and that exposure to hazardous substances under residential land use conditions represents the reasonable maximum exposure scenario. Unless a site qualifies for use of an industrial soil cleanup level under WAC 173-340-

745, soil cleanup levels ((for this presumed exposure scenario)) shall use this presumed exposure scenario and be established in accordance with ((method A or method B cleanup levels described in subsections (2) and (3) of)) this section.

(b) In the event of a release of a hazardous substance((; treatment, removal, and/or containment measures shall be implemented for those soils with hazardous substance concentrations which exceed soil cleanup levels based on this use unless the following can be demonstrated:

(i) The property does not serve as a current residential area;

(ii) The property does not have the potential to serve as a future residential area based on the consideration of zoning, statutory and regulatory restrictions, comprehensive plans, historical use, adjacent land uses, and other relevant factors; and

(iii) Appropriate use restrictions are implemented at the property; or

(iv) More stringent concentrations are necessary to protect human health and the environment.

(b) Industrial property soil cleanup levels. Soil cleanup levels for qualifying industrial properties may be established in accordance with the requirements in WAC 173-340-745.

(c) Commercial property soil cleanup levels. For industrial land uses not qualifying under WAC 173-340-745 and commercial land uses, the presumption is that soil cleanup levels shall be established in accordance with residential areas unless it can be clearly demonstrated that this is inappropriate.

(i) For a property to qualify under this subsection, it must be clearly demonstrated that:

(A) The property is currently zoned for or otherwise officially designated for industrial/commercial use;

(B) The property is currently used for industrial/commercial purposes or has a history of use for industrial/commercial purposes;

(C) Properties adjacent to and in the general vicinity of the property are used or are designated for use for industrial/commercial purposes; and

(D) The property and properties adjacent to and in the general vicinity are expected to be used for industrial/commercial purposes for the foreseeable future due to site zoning, statutory or regulatory restrictions, comprehensive plans, adjacent land use, and other relevant factors.

(ii) For industrial/commercial land uses qualifying under this subsection, soil cleanup levels shall be established as close as practicable to the method B soil cleanup levels established under subsection (3) of this section and shall be at least as stringent as the method C soil cleanup levels established under subsection (4) of this section. The overall limits on hazard index and total excess cancer risk specified in subsections (3) through (5) of this section shall apply to these sites.

(iii) Institutional controls under WAC 173-340-440 shall be required for industrial/commercial land uses qualifying under this subsection where soil cleanup levels are less stringent than method B soil cleanup levels established under subsection (3) of this section.

(iv) Soil cleanup levels for areas beyond the commercial/industrial property boundary that do not qualify for com-

mercial soil cleanup levels under this subsection (including implementation of institutional controls and a covenant restricting use of the property to commercial or industrial use, as applicable) shall use method A or method B cleanup levels as described in subsections (2) or (3) of this section:

(v) The department expects that only industrial/commercial properties located in the interior portion of a large industrial/commercial area will qualify for other than method A or method B cleanup levels under this subsection:

(d) Other nonresidential properties soil cleanup levels:

(i) Soil cleanup levels for childcare facilities and schools shall be established in accordance with method A or method B cleanup levels as described in subsections (2) and (3) of this section:

(ii) For other nonresidential land uses such as recreational or agricultural uses, soil cleanup levels shall be established on a case-by-case basis:

(A) The overall limits on the hazard index and cancer risk specified in subsections (3) through (5) of this section shall apply to these types of sites:

(B) Soil cleanup levels for these types of sites shall be at least as stringent as method C cleanup levels established under subsection (4) of this section:

(C) Where other than a method A (residential) or method B soil cleanup level is proposed at these properties, the cleanup action shall include appropriate institutional controls implemented in accordance with WAC 173-340-440 to limit potential exposure to residual contamination. This shall include, at a minimum, placement of a covenant on the property restricting use of the property to the land use(s) the cleanup level is based on)) to the soil at a site, a cleanup action complying with this chapter shall be conducted to address all areas where the concentration of hazardous substances in the soil exceeds cleanup levels at the relevant point of compliance.

((e)) (c) The department may require more stringent soil cleanup standards than required by this section where, based on a site-specific evaluation, the department determines that this is necessary to protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708. The following are examples of situations that may require more stringent cleanup levels.

(i) Concentrations that eliminate or substantially reduce the potential for food chain contamination;

(ii) Concentrations that eliminate or substantially reduce the potential for damage to soils or biota in the soils which could impair the use of soils for agricultural or silvicultural purposes;

(iii) Concentrations necessary to address the potential health risk posed by dust at a site;

(iv) Concentrations necessary to protect the ground water at a particular site;

(v) Concentrations necessary to protect nearby surface waters from hazardous substances in runoff from the site; and

(vi) Concentrations that eliminate or minimize the potential for the accumulation of vapors in buildings or other structures.

(d) Relationship between soil cleanup levels and other cleanup standards. Soil cleanup levels shall be established at concentrations ((which)) that do not directly or indirectly cause violations of ground water, surface water, sediment, or air cleanup standards established under this chapter or applicable state and federal laws. A property that qualifies for ((other than a method A or method B)) a Method C soil cleanup level under ((this subsection)) WAC 173-340-745 does not necessarily qualify for ((other than a method A or method B)) a Method C cleanup level in other media. Each medium must be evaluated separately using the criteria applicable to that medium.

(2) Method A soil cleanup levels for unrestricted land use.

(a) Applicability. Method A soil cleanup levels may only be used at sites qualifying under WAC 173-340-704(1).

(b) General requirements. Method A soil cleanup levels shall be at least as stringent as all of the following:

(i) Concentrations in ((the following)) Table 740-1 and compliance with the corresponding footnotes; ((and

Table 2
Method A Cleanup Levels—Soil^a

Hazardous Substance	CAS Number	Cleanup Level
Arsenic	7440-38-2	20.0 mg/kg ^b
Benzene	71-43-2	0.5 mg/kg ^c
Cadmium	7440-43-9	2.0 mg/kg ^d
Chromium	7440-47-3	100.0 mg/kg ^e
DDT	50-29-3	1.0 mg/kg ^f
Ethylbenzene	100-41-4	20.0 mg/kg ^g
Ethylene dibromide	106-93-4	0.001 mg/kg ^h
Lead	7439-92-1	250.0 mg/kg ⁱ
Lindane	58-89-9	1.0 mg/kg ^j
Methylene chloride	75-09-2	0.5 mg/kg ^k
Mercury (inorganic)	7439-97-6	1.0 mg/kg ^l
PAHs (carcinogenic)		1.0 mg/kg ^m
PCB Mixtures		1.0 mg/kg ⁿ
Tetrachloroethylene	127-18-4	0.5 mg/kg ^o
Toluene	108-88-3	40.0 mg/kg ^p
TPH (gasoline)		100.0 mg/kg ^q
TPH (diesel)		200.0 mg/kg ^r
TPH (other)		200.0 mg/kg ^s
1,1,1 Trichloroethane	71-55-6	20.0 mg/kg ^t
Trichloroethylene	79-01-5	0.5 mg/kg ^u
Xylenes	1330-20-7	20.0 mg/kg ^v

- ^a Caution on misusing method A tables. Method A tables have been developed for specific purposes. They are intended to provide conservative cleanup levels for sites undergoing routine cleanup actions or those sites with relatively few hazardous substances. The tables may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in these tables should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in these tables do not necessarily trigger requirements for cleanup action under this chapter.
- ^b Arsenic. Cleanup level based on background concentrations in the state of Washington.
- ^c Benzene. Cleanup level based on protection of ground water.
- ^d Cadmium. Cleanup level based on plant protection.
- ^e Chromium. Cleanup level based on health risks associated with inhalation of resuspended dust.
- ^f DDT. Cleanup level based on concentrations derived using the procedures in subsection (3)(a)(iii)(B) of this section.
- ^g Ethylbenzene. Cleanup level based on protection of ground water.
- ^h Ethylene dibromide. Cleanup level based on protection of ground water.
- ⁱ Lead. Cleanup level based on preventing unacceptable blood lead levels.
- ^j Lindane. Cleanup level based on concentration derived using the procedures in subsection (3)(a)(iii)(B) of this section.
- ^k Methylene chloride. Cleanup level based on protection of ground water.
- ^l Mercury. Cleanup level based on protection of ground water.
- ^m PAHs (carcinogenic). Cleanup level based on concentration derived using the procedures in subsection (3)(a)(iii)(B) of this section.
- ⁿ PCB Mixtures. Cleanup level based on concentration derived using the procedures in subsection (3)(a)(iii)(B) of this section.
- ^o Tetrachloroethylene. Cleanup level based on protection of ground water.
- ^p Toluene. Cleanup level based on protection of ground water.
- ^q Total Petroleum Hydrocarbons (gasoline). Cleanup level based on protection of ground water.
- ^r Total Petroleum Hydrocarbons (diesel). Cleanup level based on protection of ground water.
- ^s Total Petroleum Hydrocarbons (other). Cleanup level based on protection of ground water.
- ^t 1,1,1 Trichloroethane. Cleanup level based on protection of ground water.
- ^u Trichloroethylene. Cleanup level based on protection of ground water.
- ^v Xylenes. Cleanup level based on protection of ground water.)

(ii) Concentrations established under applicable state and federal laws; and

((b)) ((ii)) For ((sites with additional)) a hazardous substance((s which are)) that is deemed an indicator hazardous substance((s)) under WAC 173-340-708(2) and for which there is no value in Table ((2)) 740-1 or applicable state and federal laws, ((cleanup levels for these additional hazardous substances shall be established at)) a concentration that does not exceed the natural background concentration or the practical quantification limit, subject to the limitations in this chapter.

((e) The department may establish method A cleanup levels that are more stringent than those required by subsection (2)(a) of this section, when based on a site specific eval-

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uation, the department determines that such levels are necessary to protect human health or environment.)

(3) Method B soil cleanup levels for unrestricted land use.

(a) **Applicability.** Method B soil cleanup levels consist of standard and modified cleanup levels determined using the procedures in this subsection. Either standard or modified Method B soil cleanup levels may be used at any site.

(b) **Standard Method B soil cleanup levels.** Standard Method B cleanup levels for soils shall be at least as stringent as all of the following:

(i) **Applicable state and federal laws.** Concentrations established under applicable state and federal laws;

(ii) **Environmental protection.** Concentrations that result in no significant adverse effects on the protection and propagation of terrestrial ecological receptors established using the procedures specified in WAC 173-340-7490 through 173-340-7494.

(iii) **Human health protection.** For hazardous substances for which sufficiently protective, health-based criteria or standards have not been established under applicable state and federal laws, those concentrations that protect human health as determined by evaluating the following exposure pathways:

(A) **Ground water protection.** Concentrations ((which)) that will not cause contamination of ground water at levels which exceed ((method B)) ground water cleanup levels established under WAC 173-340-720 as determined using the ((following criteria:

(A) For individual hazardous substances or mixtures, concentrations that are equal to or less than one hundred times the ground water cleanup level established in accordance with WAC 173-340-720 unless it can be demonstrated that a higher soil concentration is protective of ground water at the site;

(B) For total petroleum hydrocarbons, the person undertaking the cleanup may elect to make this demonstration on the basis of data on individual hazardous substances that comprise the total petroleum hydrocarbons.

(iii) For those hazardous substances for which health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which protect human health and the environment as determined by the following methods:

(A) Concentrations which are estimated to result in no acute or chronic toxic effects on human health via direct contact with contaminated soil and are determined using the following equation and standard exposure assumptions:)) methods described in WAC 173-340-747.

(B) **Soil direct contact.** Concentrations that, due to direct contact with contaminated soil, are estimated to result in no acute or chronic noncarcinogenic toxic effects on human health using a hazard quotient of one (1) and concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to one in one million (1 x 10⁻⁶). Equations and default exposure assumptions found in 740-1 and 740-2 of this section shall be used to calculate the concentration for direct contact with contaminated soil.

(I) Noncarcinogens. For noncarcinogenic toxic effects of hazardous substances due to soil ingestion, concentrations shall be determined using Equation 740-1. For petroleum mixtures and components of such mixtures, see (b)(iii)(B)(III) of this subsection.

[Equation 740-1]

$$\text{Soil Cleanup Level (mg/kg)} = \frac{\text{RfD} \times \text{ABW} \times \text{UCF2} \times \text{HQ}}{\text{SIR} \times \text{AB1} \times ((\text{FOE})) \text{FOE}}$$

Where:

- RfD = Reference dose as defined in WAC 173-340-708(7) (mg/kg-day)
- ABW = Average body weight over the period of exposure (16 kg)
- UCF2 = Unit((s)) conversion factor (1,000,000 mg/kg)
- SIR = Soil ingestion rate (200 mg/day)
- AB1 = Gastrointestinal absorption ((rate)) fraction (1.0) (unitless)
- ((FOE))
- FOE = Frequency of ((contact)) exposure (1.0) (unitless)
- HQ = Hazard quotient (1)((:)) (unitless)

~~((B) Concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to 1 in 1,000,000 via direct contact with contaminated soil and are determined using the following equation and standard exposure assumptions:))~~ **(II) Carcinogens.** For carcinogenic effects of hazardous substances due to soil ingestion, concentrations shall be determined using Equation 740-2. For petroleum mixtures and components of such mixtures, see (b)(iii)(B)(III) of this subsection.

[Equation 740-2]

$$\text{Soil Cleanup Level (mg/kg)} = \frac{\text{RISK} \times \text{ABW} \times \text{LIFE} \times \text{UCF1}}{\text{CPF} \times \text{SIR} \times \text{AB1} \times \text{DUR} \times ((\text{FOE})) \text{FOE}}$$

Where:

- RISK = Acceptable cancer risk level (1 in 1,000,000) (unitless)
- ABW = Average body weight over the period of exposure (16 kg)
- LIFE = Lifetime (75 years)
- UCF1 = Unit conversion factor (1,000,000 mg/kg)
- CPF = Carcinogenic potency factor as defined in WAC 173-340-708(8) (kg-day/mg)
- SIR = Soil ingestion rate (200 mg/day)
- AB1 = Gastrointestinal absorption ((rate)) fraction (1.0) (unitless)
- DUR = Duration of exposure (6 years)
- ((FOE))
- FOE = Frequency of ((contact)) exposure (1.0)((:)) (unitless)

~~((iv) To assure that unacceptable risks do not result from inhalation of hazardous substances in or released from contaminated soils, soil concentrations which ensure that releases of hazardous substances shall not result in ambient air concentrations which exceed method B cleanup levels established under WAC 173-340-750.~~

(b) The department may establish method B cleanup levels that are more stringent than those required under (a) of this subsection, when, based on a site specific evaluation, the

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department determines that such levels are necessary to protect human health or environment, including the following:

- (i) Concentrations which eliminate or substantially reduce the potential for food chain contamination;
- (ii) Concentrations which eliminate or substantially reduce the potential for damage to soils or biota in the soils which could impair the use of soils for agricultural or silvicultural purposes;
- (iii) Concentrations which eliminate or substantially reduce the potential for adverse effects on vegetation or wildlife;
- (iv) Concentrations more stringent than those in (b) of this subsection where the department determines that such levels are necessary to protect the ground water at a particular site;
- (v) Concentrations necessary to protect nearby surface waters from hazardous substances in runoff from the site; and
- (vi) Concentrations which eliminate or minimize the potential for the accumulation of vapors in buildings or other structures to concentrations which pose a threat to human health or the environment.

(4) Method C cleanup levels.

(a) Method C soil cleanup levels may be utilized if the person conducting the cleanup action can demonstrate that such levels are consistent with applicable state and federal laws, that all practicable methods of treatment have been utilized, that institutional controls are implemented in accordance with WAC 173-340-440, and that one or more of the conditions in WAC 173-340-706 (1)(a) exist.

(b) Method C cleanup levels for soils shall be at least as stringent as all of the following:

(i) Concentrations established under applicable state and federal laws;

(ii) Concentrations which will not cause contamination of ground water at levels which exceed ground water cleanup levels established under WAC 173-340-720 as determined using the following procedures:

(A) For individual hazardous substances or mixtures, concentrations that are equal to or less than one hundred times the ground water cleanup level established in accordance with WAC 173-340-720 unless it can be demonstrated that a higher soil concentration is protective of ground water at the site;

(B) For total petroleum hydrocarbons, the person undertaking the cleanup may elect to make this demonstration on the basis of data on individual hazardous substances that comprise the total petroleum hydrocarbons;

(iii) For those hazardous substances for which health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which protect human health and the environment as determined by the following methods:

(A) Concentrations which are anticipated to result in no significant acute or chronic toxic effects on human health and estimated in accordance with WAC 173-340-740 (3)(a)(iii)(A) except that the frequency of contact shall be 0.5, the soil ingestion rate shall be 100 milligrams per day, and the average body weight shall be 16 kilograms;

(B) For known or suspected carcinogens, concentrations for which the upper bound on the estimated excess cancer

risk is less than or equal to 1 in 100,000 and are estimated in accordance with WAC 173-340-740 (3)(a)(iii)(B) except that the frequency of contact shall be 0.5 and the soil ingestion rate shall be 100 milligrams per day; and

(iv) To assure that unacceptable risks do not result from inhalation of hazardous substances in or released from contaminated soils, soil concentrations which ensure that releases of hazardous substances shall not result in ambient air concentrations which exceed method C cleanup levels established under WAC 173-340-750.

(C) The department may establish method C cleanup levels that are more stringent than those required by (a) through (e) of this subsection when, based on a site specific evaluation, the department determines that such levels are necessary to protect human health and the environment, including consideration of those factors listed in subsection (3)(b) of this section.

(5) Multiple hazardous substances/multiple pathways of exposure.

(a)) **(III) Petroleum mixtures.** For noncarcinogenic effects of petroleum mixtures, a total petroleum hydrocarbon cleanup level shall be calculated taking into account the additive effects of the petroleum fractions and volatile organic compounds present in the petroleum mixture. Equation 740-3 shall be used for this calculation. This equation takes into account concurrent exposure due to ingestion and dermal contact with petroleum contaminated soils. Cleanup levels for other noncarcinogens and known or suspected carcinogens within the petroleum mixture shall be calculated using Equations 740-4 and 740-5. See Table 830-1 for the analyses required for various petroleum products to use this method.

[Equation 740-3]

$$C_{soil} = \frac{HI \times ABW \times AT}{EF \times ED \left[\left(\frac{SIR \times AB1}{10^6 \text{ mg/kg}} \sum_{i=1}^n \frac{F(i)}{RfDo(i)} \right) + \left(\frac{SA \times AF}{10^6 \text{ mg/kg}} \sum_{i=1}^n \frac{F(i) \times ABS(i)}{RfDd(i)} \right) \right]}$$

Where:

- C_{soil} ≡ TPH soil cleanup level (mg/kg)
- HI ≡ Hazard index (I) (unitless)
- ABW ≡ Average body weight (16 kg)
- AT ≡ Averaging time (6 years)
- EF ≡ Exposure frequency (1.0) (unitless)
- ED ≡ Exposure duration (6 years)
- SIR ≡ Soil ingestion rate (200 mg/day)
- AB1 ≡ Gastrointestinal absorption fraction (1.0) (unitless)
- F(i) ≡ Fraction (by weight) of petroleum component (i) (unitless)
- SA ≡ Dermal surface area (2,200 cm²)
- AF ≡ Adherence factor (0.2 mg/cm²-day)
- ABS ≡ Dermal absorption fraction for petroleum component (i) (unitless). May use chemical-specific values or the following defaults:
 - 0.0005 for volatile petroleum components with vapor press ≥ benzene

- 0.03 for volatile petroleum components with vapor press < benzene
 - 0.1 for other petroleum components
- RfDo(i) = Oral reference dose of petroleum component (i) as defined in WAC 173-340-708(7) (mg/kg-day)
- RfDd(i) = Dermal reference dose for petroleum component (i) (mg/kg-day) derived by RfDo x GI
- GI = Gastrointestinal absorption conversion factor (unitless). May use chemical-specific values or the following defaults:
- 0.8 for volatile petroleum components
 - 0.5 for other petroleum components
- n = The number of petroleum components (petroleum fractions plus volatile organic compounds with an RfD) present in the petroleum mixture. (See Table 830-1.)

(C) **Soil vapors.** The soil to vapor pathway shall be evaluated whenever one of the methods specified in WAC 173-340-747 (5) through (9) is used to derive a soil concentration that is protective of ground water and that concentration is significantly higher than a concentration derived under the method specified in WAC 173-340-747(4). See subsection (3)(c)(iv)(B) of this section for methods that may be used to evaluate the soil to vapor pathway.

(c) Modified Method B soil cleanup levels.

(i) **General.** Modified Method B soil cleanup levels are standard Method B soil cleanup levels, modified with chemical-specific or site-specific data. When making these modifications, the resultant cleanup levels shall meet applicable state and federal laws, meet health risk levels for standard Method B soil cleanup levels, and be demonstrated to be environmentally protective using the procedures specified in WAC 173-340-7490 through 173-340-7494. Changes to exposure assumptions must comply with WAC 173-340-708(10).

(ii) **Allowable modifications.** The following modifications can be made to the default assumptions in the standard Method B equations to derive modified Method B soil cleanup levels:

(A) For the protection of ground water, see WAC 173-340-747;

(B) For soil ingestion, the gastrointestinal absorption fraction, may be modified if the requirements of WAC 173-340-702 (14), (15), (16), and 173-340-708(10) are met;

(C) For dermal contact, the adherence factor, dermal absorption fraction and gastrointestinal absorption conversion factor may be modified if the requirements of WAC 173-340-702 (14), (15), (16), and 173-340-708(10) are met;

(D) Toxicity equivalent factors, as described in WAC 173-340-708(8), may be used for assessing the potential carcinogenic risk of mixtures of chlorinated dibenzo-p-dioxins, chlorinated dibenzofurans and polycyclic aromatic hydrocarbons;

(E) The reference dose and cancer potency factor may be modified if the requirements in WAC 173-340-708 (7) and (8) are met; and

(F) Other modifications incorporating new science as provided for in WAC 173-340-702 (14), (15) and (16).

(iii) **Dermal contact.** For hazardous substances other than petroleum mixtures, dermal contact with the soil shall be

evaluated whenever the proposed changes to Equations 740-1 or 740-2 would result in a significantly higher soil cleanup level than would be calculated without the proposed changes. When conducting this evaluation, the following equations and default exposure assumptions shall be used.

(A) For noncarcinogens use Equation 740-4. This equation takes into account concurrent exposure due to ingestion and dermal contact with soil.

[Equation 740-4]

$$C_{soil} = \frac{HQ \times ABW \times AT}{EF \times ED \left[\left(\frac{1}{RfDo} \times \frac{SIR \times AB1}{10^6 \text{ mg / kg}} \right) + \left(\frac{1}{RfDd} \times \frac{SA \times AF \times ABS}{10^6 \text{ mg / kg}} \right) \right]}$$

Where:

- C_{soil} = Soil cleanup level (mg/kg)
- HQ = Hazard quotient (unitless)
- ABW = Average body weight (16 kg)
- AT = Averaging time (6 years)
- EF = Exposure frequency (1.0) (unitless)
- ED = Exposure duration (6 years)
- SIR = Soil ingestion rate (200 mg/day)
- AB1 = Gastrointestinal absorption fraction (1.0) (unitless)
- SA = Surface area (2,200 cm²)
- AF = Adherence factor (0.2 mg/cm²-day)
- ABS = Dermal absorption fraction (unitless).
May use chemical-specific values or the following defaults:
 - 0.01 for inorganic hazardous substances
 - 0.0005 for volatile organic compounds with vapor press > = benzene
 - 0.03 for volatile organic compounds with vapor press < benzene
 - 0.1 for other organic hazardous substances
- RfDo = Oral reference dose as defined in WAC 173-340-708(7) (mg/kg-day)
- RfDd = Dermal reference dose (mg/kg-day) derived by RfDo x GI
- GI = Gastrointestinal absorption conversion factor (unitless).
May use chemical specific values or the following defaults:
 - 0.2 for inorganic hazardous substances
 - 0.8 for volatile organic compounds
 - 0.5 for other organic hazardous substances

(B) For carcinogens use Equation 740-5. This equation takes into account concurrent exposure due to ingestion and dermal contact with soil.

[Equation 740-5]

$$C_{soil} = \frac{RISK \times ABW \times AT}{EF \times ED \left[\left(\frac{SIR \times AB1 \times CPFo}{10^6 \text{ mg / kg}} \right) + \left(\frac{SA \times AF \times ABS \times CPFd}{10^6 \text{ mg / kg}} \right) \right]}$$

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Where:

- C_{soil} = Soil cleanup level (mg/kg)
- RISK = Acceptable cancer risk (1 in 1,000,000) (unitless)
- ABW = Average body weight over duration of exposure (16 kg)
- AT = Averaging time (75 years)
- EF = Exposure frequency (1.0) (unitless)
- ED = Exposure duration (6 years)
- SIR = Soil ingestion rate (200 mg/day)
- AB1 = Gastrointestinal absorption fraction (1.0) (unitless)
- CPFo = Oral cancer potency factor as defined in WAC 173-340-708(8) (kg-day/mg)
- CPFd = Dermal cancer potency factor (kg-day/mg) derived by CPFo/GI
- GI = Gastrointestinal absorption conversion factor (unitless). May use chemical-specific values or the following defaults:
- 0.2 for inorganic hazardous substances
 - 0.8 for volatile organic compounds
 - 0.5 for other organic hazardous substances
- SA = Surface area (2,200 cm²)
- AF = Adherence factor (0.2 mg/cm²-day)
- ABS = Dermal absorption fraction (unitless). May use chemical-specific values or the following defaults:
- 0.01 for inorganic hazardous substances
 - 0.0005 for volatile organic compounds with vapor press \geq benzene
 - 0.03 for volatile organic compounds with vapor press $<$ benzene
 - 0.1 for other organic hazardous substances

(C) Modifications may be made to Equations 740-4 and 740-5 as provided for in provision (3)(c)(ii) of this section.

(iv) **Soil vapors.**

(A) **Applicability.** The soil to vapor pathway shall be evaluated whenever the proposed changes to the standard Method B equations (Equations 740-1, 740-2 and 740-3) or default values would result in a significantly higher soil cleanup level than would be calculated without the proposed changes. The soil to vapor pathway shall also be evaluated whenever one of the methods specified in WAC 173-340-747 (5) through (9) is used to derive a soil concentration that is protective of ground water and that concentration is significantly higher than a concentration derived under the method specified in WAC 173-340-747(4). Evaluation of soil vapors shall also be required under the following specific situations:

(I) For petroleum distillates containing less than eight percent (8%) volatile constituents by weight (such as diesel range organics), the indoor air pathway shall be evaluated whenever soil cleanup levels exceed 10,000 mg/kg within one foot of: The wall of a structure; bottom slab of a structure; or, conduit that could facilitate transport to a structure.

(II) When the soil cleanup level for a volatile hazardous substance is based on protection of ground water for nonpotable use and the ground water cleanup level is established using a site-specific risk assessment under WAC 173-340-720 (6)(c).

(B) **Evaluation methods.** Soil cleanup levels that are protective of the indoor and ambient air shall be determined on a site-specific basis. Soil cleanup levels may be evaluated as being protective of air pathways using any of the following methods:

(I) Measurements of the soil vapor concentrations, using methods approved by the department, demonstrating vapors in the soil would not exceed air cleanup levels established under WAC 173-340-750.

(II) Measurements of ambient air concentrations and/or indoor air vapor concentrations throughout buildings, using methods approved by the department, demonstrating air does not exceed cleanup levels established under WAC 173-340-750. Such measurements must be representative of current and future site conditions when vapors are likely to enter and accumulate in structures. Measurement of ambient air may be excluded if it can be shown that indoor air is the most protective point of exposure.

(III) Use of modeling methods approved by the department to demonstrate the air cleanup standards established under WAC 173-340-750 will not be exceeded. When this method is used, the department may require soil vapor and/or air monitoring to be conducted to verify the calculations and compliance with air cleanup standards.

(IV) Other methods as approved by the department demonstrating the air cleanup standards established under WAC 173-340-750 will not be exceeded.

(d) **Using modified Method B to evaluate soil remediation levels.** In addition to the adjustments allowed under subsection (3)(c) of this section, adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357, and 173-340-708 (3)(d) and (10)(b).

(4) **Method C soil cleanup levels.** This section does not provide procedures for establishing Method C soil cleanup levels. Except for qualifying industrial properties, Method A and Method B, as described in this section, are the only methods available for establishing soil cleanup levels at sites. See WAC 173-340-745 for use of Method C soil cleanup levels at qualifying industrial properties. See also WAC 173-340-357 and 173-340-708 (3)(d) for how land use may be considered when selecting a cleanup action at a site.

(5) **Adjustments to cleanup levels.**

(a) **Total site risk adjustments.** Soil cleanup levels for individual hazardous substances developed in accordance with subsection((s)) (3) ((and (4))) of this section, including cleanup levels based on applicable state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting from more than one pathway of exposure. These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-2}). These adjustments shall be made in accordance with the procedures specified in WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one (1) and

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the total excess cancer risk shall not exceed one in one hundred thousand (1×10^{-5}).

~~(b) (These overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including cleanup levels based on applicable state and federal laws.)~~ **Adjustments to applicable state and federal laws.** Where a cleanup level developed under subsection (2) or (3) of this section is based on an applicable state or federal law and the level of risk upon which the standard is based exceeds an excess cancer risk of one in one hundred thousand (1×10^{-5}) or a hazard index of one (1), the cleanup level must be adjusted downward so that the total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}) and the hazard index does not exceed one (1) at the site.

(c) Natural background and POL considerations. Cleanup levels determined under subsection (2) or (3) of this section, including cleanup levels adjusted under subsection (5)(a) and (b) of this section, shall not be set at levels below the practical quantitation limit or natural background. See WAC 173-340-707 and 173-340-709 for additional requirements pertaining to practical quantitation limits and natural background.

(6) Point of compliance.

(a) The point of compliance is the point or points where the soil cleanup levels established under subsection ~~((s))~~ (2) ~~((;))~~ or (3) ~~((, (4), and (5)))~~ of this section shall be attained.

(b) For soil cleanup levels based on the protection of ground water, the point of compliance shall be established in the soils throughout the site.

(c) For soil cleanup levels based on protection from vapors, the point of compliance shall be established in the soils throughout the site from the ground surface to the uppermost ground water saturated zone (e.g., from the ground surface to the uppermost water table).

(d) For soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance shall be established in the soils throughout the site from the ground surface to fifteen feet below the ground surface. This represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of site development activities.

~~((d))~~ (e) For soil cleanup levels based on ecological considerations, see WAC 173-340-7490 for the point of compliance.

(f) The department recognizes that, for those cleanup actions selected under ~~((WAC 173-340-360))~~ this chapter that involve containment of hazardous substances, the soil cleanup levels will typically not be met at the points of compliance specified in (b) ~~((and (e)))~~ through (e) of this subsection. In these cases, the cleanup action may be determined to comply with cleanup standards, provided ~~((the compliance monitoring program is designed to ensure the long-term integrity of the containment system, and the other requirements for containment technologies in WAC 173-340-360(8) are met))~~:

(i) The selected remedy is permanent to the maximum extent practicable using the procedures in WAC 173-340-360;

(ii) The cleanup action is protective of human health. The department may require a site-specific human health risk assessment conforming to the requirements of this chapter to demonstrate that the cleanup action is protective of human health;

(iii) The cleanup action is demonstrated to be protective of terrestrial ecological receptors under WAC 173-340-7490 through 173-340-7494;

(iv) Institutional controls are put in place under WAC 173-340-440 that prohibit or limit activities that could interfere with the long-term integrity of the containment system;

(v) Compliance monitoring under WAC 173-340-410 and periodic reviews under WAC 173-340-430 are designed to ensure the long-term integrity of the containment system; and

(vi) The types, levels and amount of hazardous substances remaining on-site and the measures that will be used to prevent migration and contact with those substances are specified in the draft cleanup action plan.

(7) Compliance monitoring.

(a) Compliance with soil cleanup levels shall be based on total analyses of the soil fraction less than two millimeters in size. When it is reasonable to expect that larger soil particles could be reduced to two millimeters or less during current or future site use and this reduction could cause an increase in the concentrations of hazardous substances in the soil, soil cleanup levels shall also apply to these larger soil particles. Compliance with soil cleanup levels shall be based on dry weight concentrations. The department may approve the use of alternate procedures for stabilized soils.

(b) When soil levels have been established at a site, sampling of the soil shall be conducted to determine if compliance with the soil cleanup levels has been achieved. Sampling and analytical procedures shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. The sample design shall provide data ~~((which))~~ that are representative of the area where exposure to hazardous substances may occur.

(c) The data analysis and evaluation procedures used to evaluate compliance with soil cleanup levels shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. These procedures shall meet the following general requirements:

(i) Methods of data analysis shall be consistent with the sampling design. Separate methods may be specified for surface soils and deeper soils;

(ii) When cleanup levels are based on requirements specified in applicable state and federal laws, the procedures for evaluating compliance that are specified in those requirements shall be ~~((utilized))~~ used to evaluate compliance with cleanup levels unless those procedures conflict with the intent of this section;

(iii) Where procedures for evaluating compliance are not specified in an applicable state and federal law, statistical methods shall be appropriate for the distribution of sampling data for each hazardous substance. ~~((If the distribution of~~

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sampling data for a hazardous substance is inappropriate for statistical methods based on a normal distribution, then the data may be transformed.) If the distributions for hazardous substances differ, more than one statistical method may be required; and

(iv) The data analysis plan shall specify which parameters are to be used to determine compliance with soil cleanup levels.

(A) For cleanup levels based on short-term or acute toxic effects on human health or the environment, an upper percentile soil concentration shall be used to evaluate compliance with cleanup levels.

(B) For cleanup levels based on chronic or carcinogenic threats, the true mean soil concentration shall be used to evaluate compliance with cleanup levels ~~((unless there are large variations in hazardous substance concentrations relative to the mean hazardous substance concentration or a large percentage of concentrations are below the detection limit))~~.

(d) ~~((Appropriate statistical methods include the following:~~

~~(i) A procedure in which a confidence interval for each hazardous substance is established from site sampling data and the soil cleanup level is compared to the upper confidence interval;))~~ When data analysis procedures for evaluating compliance are not specified in an applicable state or federal law the following procedures shall be used:

(i) A confidence interval approach that meets the following requirements:

(A) The upper one sided ninety-five percent confidence limit on the true mean soil concentration shall be less than the soil cleanup level. For lognormally distributed data, the upper one-sided ninety-five percent confidence limit shall be calculated using Land's method; and

(B) Data shall be assumed to be lognormally distributed unless this assumption is rejected by a statistical test. If a log-normal distribution is inappropriate, data shall be assumed to be normally distributed unless this assumption is rejected by a statistical test. The W test, D'Agostino's test, or censored probability plots, as appropriate for the data, shall be the statistical methods used to determine whether the data are log-normally or normally distributed;

(ii) For an evaluation conducted under (c)(iv)(A) of this subsection, a parametric test for percentiles based on tolerance intervals to test the proportion of soil samples having concentrations less than the soil cleanup level. When using this method, the true proportion of samples that do not exceed the soil cleanup level shall not be less than ninety percent. Statistical tests shall be performed with a Type I error level of 0.05;

(iii) Direct comparison of soil sample concentrations with cleanup levels may be used to evaluate compliance with cleanup levels where selective sampling of soil can be reliably expected to find suspected soil contamination. There must be documented, reliable information that the soil samples have been taken from the appropriate locations. Persons using this method must demonstrate that the basis used for selecting the soil sample locations provides a high probability that any existing areas of soil contamination have been found; or

~~((iii))~~ (iv) Other statistical methods approved by the department.

~~(e) ((If a confidence interval approach is used to evaluate compliance with a soil cleanup level, the decision rule is a one-tailed test of the null hypothesis that the true soil concentration of a hazardous substance exceeds the soil cleanup level. Compliance with soil cleanup levels shall be determined using))~~ All data analysis methods used, including those specified in state and federal law, must meet the following ((criteria)) requirements:

~~(i) ((The upper confidence interval on the true soil concentration is less than the soil cleanup level. Statistical tests shall be performed at a Type I error level of 0.05;~~

~~(ii))~~ No single sample concentration shall be greater than two times the soil cleanup level. Higher exceedances to control false positive error rates at five percent may be approved by the department when the cleanup level is based on background concentrations; and

~~((iii))~~ (ii) Less than ten percent of the sample concentrations shall exceed the soil cleanup level. Higher exceedances to control false positive error rates at five percent may be approved by the department when the cleanup level is based on background concentrations.

~~(f) ((If a method to test the proportion of soil samples is used to evaluate compliance with a soil cleanup level, compliance shall be determined using the following criteria:~~

~~(i) No single sample concentrations shall be greater than two times the soil cleanup level; and~~

~~(ii) Less than ten percent of the sample concentrations shall exceed the soil cleanup level; and~~

~~(iii) The true proportion of samples that do not exceed the soil cleanup level shall not be less than ninety percent. Statistical tests shall be performed with a Type I error level of 0.05.~~

~~(g) For purposes of demonstrating compliance with soil cleanup levels, measurements below the method detection limit shall be assigned a value equal to one-half the method detection limit. Detectable levels below the practical quantitation limit shall be assigned a value equal to the method detection limit. The department may approve alternate statistical procedures for handling nondetected values or values below the practical quantitation limit. Alternate statistical procedures may include probit analysis and regression analysis.)~~ When using statistical methods to demonstrate compliance with soil cleanup levels, the following procedures shall be used for measurements below the practical quantitation limit:

(i) Measurements below the method detection limit shall be assigned a value equal to one-half the method detection limit when not more than fifteen percent of the measurements are below the practical quantitation limit.

(ii) Measurements above the method detection limit but below the practical quantitation limit shall be assigned a value equal to the method detection limit when not more than fifteen percent of the measurements are below the practical quantitation limit.

(iii) When between fifteen and fifty percent of the measurements are below the practical quantitation limit and the data are assumed to be lognormally or normally distributed, Cohen's method shall be used to calculate a corrected mean

and standard deviation for use in calculating an upper confidence limit on the true mean soil concentration.

(iv) If more than fifty percent of the measurements are below the practical quantitation limit, the largest value in the data set shall be used in place of an upper confidence limit on the true mean soil concentration.

(v) The department may approve alternate statistical procedures for handling nondetected values or values below the practical quantitation limit.

(vi) If a hazardous substance or petroleum fraction has never been detected in any sample at a site and these substances are not suspected of being present at the site based on site history and other knowledge, that hazardous substance or petroleum fraction may be excluded from the statistical analysis.

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

AMENDATORY SECTION (Amending Order 94-37, filed 1/26/96, effective 2/26/96)

WAC 173-340-745 Soil cleanup standards for industrial properties. (1) ~~((General considerations:))~~ **Applicability.**

(a) ~~((Use of this section:))~~ **Criteria.** This section shall be used to establish soil cleanup levels where the department has determined that industrial land use represents the reasonable maximum exposure. Soil cleanup levels for this presumed exposure scenario shall be established in accordance with this section. To qualify as an industrial land use and to use an industrial soil cleanup level a site must meet the following criteria:

~~((b) Criteria. Cleanup levels shall not be based on industrial land use unless the following criteria can be demonstrated:))~~

(i) The area of the site where industrial property soil cleanup levels are proposed must meet((s)) the definition of an industrial property under WAC 173-340-200;

Industrial soil cleanup levels are based on an adult worker exposure scenario. It is essential to evaluate land uses and zoning for compliance with this definition in the context of this exposure scenario. Local governments use a variety of zoning categories for industrial land uses so a property does not necessarily have to be in a zone called "industrial" to meet the definition of "industrial property." Also, there are land uses allowed in industrial zones that are actually commercial or residential, rather than industrial, land uses. Thus, an evaluation to determine compliance with this definition should include a review of the actual text in the comprehensive plan and zoning ordinance pertaining to the site and a visit to the site to observe land uses in the zone. When evaluating land uses to determine if a property use not specifically listed in the definition is a "traditional industrial use" or to determine if the property is "zoned for industrial use," the following characteristics shall be considered:

((*) (A) People do not normally live on industrial property. The primary potential exposure is to adult employees of businesses located on the industrial property;

((*) (B) Access to industrial property by the general public is generally not allowed. If access is allowed, it is highly limited and controlled due to safety or security considerations;

((*) (C) Food is not normally grown/raised on industrial property. (However, food processing operations are commonly considered industrial facilities);

((*) (D) Operations at industrial properties are often (but not always) characterized by use and storage of chemicals, noise, odors and truck traffic;

((*) (E) The surface of the land at industrial properties is often (but not always) mostly covered by buildings or other structures, paved parking lots, paved access roads and material storage areas—minimizing potential exposure to the soil; and

((*) (F) Industrial properties may have support facilities consisting of offices, restaurants, and other facilities that are commercial in nature but are primarily devoted to administrative functions necessary for the industrial use and/or are primarily intended to serve the industrial facility employees and not the general public((:));

(ii) The cleanup action provides for appropriate institutional controls implemented in accordance with WAC 173-340-440 to limit potential exposure to residual hazardous substances. This shall include, at a minimum, placement of a covenant on the property restricting use of the area of the site where industrial soil cleanup levels are proposed to industrial property uses; and

(iii) Hazardous substances remaining at the property after remedial action would not pose a threat to human health or the environment at the site or in adjacent nonindustrial areas. In evaluating compliance with this criterion, at a minimum the following factors shall be considered:

((*) (A) The potential for access to the industrial property by the general public, especially children. The proximity of the industrial property to residential areas, schools or childcare facilities shall be considered when evaluating access. In addition, the presence of natural features, man-made structures, arterial streets or intervening land uses that would limit or encourage access to the industrial property shall be considered. Fencing shall not be considered sufficient to limit access to an industrial property since this is insufficient to assure long term protection;

((*) (B) The degree of reduction of potential exposure to residual hazardous substances by the selected remedy. Where the residual hazardous substances are to be capped to reduce exposure, consideration shall be given to the thickness of the cap and the likelihood of future site maintenance activities, utility and drainage work, or building construction reexposing residual hazardous substances((:));

((*) (C) The potential for transport of residual hazardous substances to off-property areas, especially residential areas, schools and childcare facilities;

((*) (D) The potential for significant adverse effects on ~~((vegetation or))~~ wildlife caused by residual hazardous substances using the procedures in WAC 173-340-7490 through 173-340-7494; and

((*) (E) The likelihood that these factors would not change for the foreseeable future.

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~~((e) Ecology expectations.))~~ **(b) Expectations.** In applying the criteria in ~~((WAC 173-340-745 (1)(b)))~~ (a) of this subsection, the department expects the following results:

(i) The department expects that properties zoned for heavy industrial or high intensity industrial use and located within a city or county ~~((having))~~ that has completed a comprehensive plan and adopted implementing zoning regulations under the Growth Management Act (chapter 36.70A RCW) will meet the definition of industrial property. For cities and counties not planning under the Growth Management Act, the department expects that spot zoned industrial properties will not meet the definition of industrial property but that properties that are part of a larger area zoned for heavy industrial or high intensity industrial use will meet the definition of an industrial property;

(ii) For both GMA and non-GMA cities and counties, the department expects that light industrial and commercial zones and uses should meet the definition of industrial property where the land uses are comparable to those cited in the definition of industrial property or the land uses are an integral part of a qualifying industrial use (such as, ancillary or support facilities). This will require a site-by-site evaluation of the zoning text and land uses;

(iii) The department expects that for portions of industrial properties in close proximity to (generally, within a few hundred feet) residential areas, schools or childcare facilities, residential soil cleanup levels will be used unless:

(A) Access to the industrial property is very unlikely or, the hazardous substances that are not treated or removed are contained under a cap of clean soil (or other materials) of substantial thickness so that it is very unlikely the hazardous substances would be disturbed by future site maintenance and construction activities (depths of even shallow footings, utilities and drainage structures in industrial areas are typically three to six feet); and

(B) The hazardous substances are relatively immobile (or have other characteristics) or have been otherwise contained so that subsurface lateral migration or surficial transport via dust or runoff to these nearby areas or facilities is highly unlikely; and

(iv) Note that a change in the reasonable maximum exposure to industrial site use primarily affects the direct contact exposure pathway. Thus, for example, for sites where the soil cleanup level is based primarily on the potential for the hazardous substance to leach and cause ground water contamination, it is the department's expectation that an industrial land use will not affect the soil cleanup level. Similarly, where the soil cleanup level is based primarily on surface water protection~~((ecological))~~ or other pathways other than direct human contact, land use is not expected to affect the soil cleanup level.

~~((d) Calculating industrial property soil cleanup levels. Soil cleanup levels established under this section shall be determined as described in subsections (2) through (5) of this section.~~

~~((e) Soil cleanup levels for nearby properties.))~~ **(2) General considerations.**

(a) In the event of a release of a hazardous substance at a site qualifying as industrial property, a cleanup action that

complies with this chapter shall be conducted to address those soils with hazardous substance concentrations which exceed industrial soil cleanup levels at the relevant point of compliance.

(b) Soil cleanup levels for areas beyond the industrial property boundary that do not qualify for industrial soil cleanup levels under this section (including implementation of institutional controls and a covenant restricting use of the property to industrial property uses) shall be established in accordance with WAC 173-340-740.

~~((f) Relationship between soil cleanup levels and other cleanup standards.))~~ **(c) Industrial soil cleanup levels** shall be established at concentrations ~~((which))~~ that do not directly or indirectly cause violations of ground water, surface water, sediment or air cleanup standards established under this chapter or under applicable state and federal laws. A property that qualifies for an industrial soil cleanup level under this section does not necessarily qualify for ((either than a Method A or Method B)) a Method C cleanup level in other media. Each medium must be evaluated separately ((utilizing)) using the criteria applicable to that medium.

~~((g) Other options. See WAC 173-340-740 (1)(e) for establishing cleanup levels for industrial land uses not qualifying under this section and for commercial land uses.~~

~~(2))~~ (d) The department may require more stringent soil cleanup standards than required by this section when, based on a site-specific evaluation, the department determines that this is necessary to protect human health and the environment, including consideration of the factors in WAC 173-340-740 (1)(c). Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708.

(3) Method A industrial soil cleanup levels.

(a) **Applicability.** Method A industrial soil cleanup levels may be used only at any industrial property qualifying under WAC 173-340-704(1).

(b) **General requirements.** Method A industrial soil cleanup levels shall be at least as stringent as all of the following:

(i) Concentrations in ~~((the following))~~ Table(;) 745-1 and compliance with the corresponding footnotes:

**((Table 3
Method A Cleanup Levels—Industrial Soil*))**

Hazardous Substance	CAS Number	Cleanup Level
Arsenic	7440-38-2	200.0 mg/kg ^b
Benzene	71-43-2	0.5 mg/kg ^e
Cadmium	7440-43-9	10.0 mg/kg ^d
Chromium (Total)	7440-47-3	500.0 mg/kg ^e
DDT	50-29-3	5.0 mg/kg ^f
Ethylbenzene	100-41-4	20.0 mg/kg ^g
Ethylene dibromide	106-93-4	0.001 mg/kg ^h
Lead	7439-92-1	1000.0 mg/kg ⁱ
Lindane	58-89-9	20.0 mg/kg ^j
Methylene chloride	75-09-2	0.5 mg/kg ^k
Mercury (inorganic)	7439-97-6	1.0 mg/kg ^l

PAHs (carcinogenic)		20.0 mg/kg ^m
PCB Mixtures		10.0 mg/kg ⁿ
Tetrachloroethylene	127-18-4	0.5 mg/kg ^o
Toluene	108-88-3	40.0 mg/kg ^p
TPH (gasoline)		100.0 mg/kg ^q
TPH (diesel)		200.0 mg/kg ^r
TPH (other)		200.0 mg/kg ^s
1,1,1-Trichloroethane	71-55-6	20.0 mg/kg ^t
Trichloroethylene	79-01-5	0.5 mg/kg ^u
Xylenes	1330-20-7	20.0 mg/kg ^v

- ^a Caution on misusing method A tables. Method A tables have been developed for specific purposes. They are intended to provide conservative cleanup levels for sites undergoing routine cleanup actions or those sites with relatively few hazardous substances. The tables may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in these tables should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in these tables do not necessarily trigger requirements for cleanup actions under this chapter.
- ^b Arsenic. Cleanup level based on concentration derived using the procedures in subsection (4)(a)(iii)(B) of this section.
- ^c Benzene. Cleanup level based on protection of ground water.
- ^d Cadmium. Cleanup level based on protection of ground water.
- ^e Chromium. Cleanup level based on inhalation exposure.
- ^f DDT. Cleanup level based on protection of ground water.
- ^g Ethylbenzene. Cleanup level based on protection of ground water.
- ^h Ethylene dibromide. Cleanup level based on protection of ground water.
- ⁱ Lead. Cleanup level based on direct contact.
- ^j Lindane. Cleanup level based on cleanup level based on concentration derived using the procedures in subsection (4)(a)(iii)(B)
- ^k Methylene chloride. Cleanup level based on protection of ground water.
- ^l Mercury. Cleanup level based on protection of ground water.
- ^m PAHs (carcinogenic). Cleanup level based on concentration derived using the procedures in subsection (4)(a)(iii)(B) of this section.
- ⁿ PCB Mixtures. Cleanup level based on concentration derived using the procedures in subsection (4)(a)(iii)(B) of this section.
- ^o Tetrachloroethylene. Cleanup level based on protection of ground water.
- ^p Toluene. Cleanup level based on protection of ground water.
- ^q Total Petroleum Hydrocarbons (gasoline). Cleanup level based on protection of ground water.
- ^r Total Petroleum Hydrocarbons (diesel). Cleanup level based on protection of ground water.
- ^s Total Petroleum Hydrocarbons (other). Cleanup level based on protection of ground water.
- ^t 1,1,1-Trichloroethane. Cleanup level based on protection of ground water.
- ^u Trichloroethylene. Cleanup level based on protection of ground water.
- ^v Xylenes. Cleanup level based on protection of ground water; and))

(ii) Concentrations established under applicable state and federal laws; and

((b)) (iii) For ((sites with additional)) a hazardous substance((s which are)) that is deemed an indicator hazardous substance((s)) under WAC 173-340-708(2) and for which there is no value in Table ((3)) 745-1 or applicable state and

federal laws, ((cleanup levels for these additional hazardous substances shall be established at)) a concentration that does not exceed the natural background concentration or the practical quantification limit, subject to the limitations in this chapter.

((e)) The department may establish method A cleanup levels that are more stringent than those required by (a) of this subsection when, based on site specific evaluations, the department determines that such levels are necessary to protect human health or environment, including consideration of the factors in WAC 173-340-740 (3)(b).

((3)) (4) Method B industrial soil cleanup levels. This section does not provide procedures for establishing Method B industrial soil cleanup levels. Method C is the standard method for establishing soil cleanup levels at industrial sites and its use is conditioned upon the continued use of the site for industrial purposes. The person conducting the cleanup action also has the option of establishing unrestricted land use soil cleanup levels under WAC 173-340-740 for qualifying industrial properties. This option may be desirable when the person wants to avoid restrictions on the future use of the property. When a site does not qualify for a Method A or Method C industrial soil cleanup level under this section, or the user chooses to establish unrestricted land use soil cleanup levels at a site, soil cleanup levels must be established using Methods A or B under WAC 173-340-740.

((4)) (5) Method C industrial soil cleanup levels.

(a) Applicability. Method C industrial soil cleanup levels consist of standard and modified cleanup levels as described in this subsection. Either standard or modified Method C soil cleanup levels may be used at any industrial property qualifying under subsection (1) of this section.

(b) Standard Method C industrial soil cleanup levels. Standard Method C industrial soil cleanup levels for industrial ((soils)) properties shall be at least as stringent as all of the following:

(i) Applicable state and federal laws. Concentrations established under applicable state and federal laws;

(ii) Environmental protection. Concentrations that result in no significant adverse effects on the protection and propagation of wildlife established using the procedures specified in WAC 173-340-7490 through 173-340-7494.

(iii) Human health protection. For hazardous substances for which sufficiently protective, health-based criteria or standards have not been established under applicable state and federal laws, those concentrations that protect human health as determined by evaluating the following exposure pathways:

(A) Ground water protection. Concentrations ((which)) that will not cause contamination of ground water to concentrations which exceed ground water cleanup levels established under WAC 173-340-720 as determined using the ((following procedures:

(A) For individual hazardous substances or mixtures, concentrations that are equal to or less than one hundred times the ground water cleanup level established in accordance with WAC 173-340-720 unless it can be demonstrated that higher soil concentrations are protective of ground water at the site;

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~~(B) For total petroleum hydrocarbons, the person undertaking the cleanup action may elect to make this demonstration on the basis of data on individual hazardous substances that comprise the total petroleum hydrocarbons;~~

~~(iii) For those hazardous substances for which sufficiently protective health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which protect human health and the environment as determined by the following methods:~~

~~(A) Concentrations which are anticipated to result in no acute or chronic toxic effects on human health via direct contact with contaminated soil and are determined using the following equation and standard exposure assumptions:))~~ methods described in WAC 173-340-747.

(B) Soil direct contact. Concentrations that, due to direct contact with contaminated soil, are estimated to result in no acute or chronic noncarcinogenic toxic effects on human health using a hazard quotient of one (1) and concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to one in one hundred thousand (1×10^{-4}). Equations and default exposure assumptions found in Equations 745-1 and 745-2 shall be used to conduct this calculation.

(I) Noncarcinogens. For noncarcinogenic toxic effects of hazardous substances due to soil ingestion, concentrations shall be determined using Equation 745-1. For petroleum mixtures and components of such mixtures, see (b)(iii)(B)(III) of this subsection.

[Equation 745-1]

$$\text{Soil Cleanup Level (mg/kg)} = \frac{\text{RfD} \times \text{ABW} \times \text{UCF2} \times \text{HQ}}{\text{SIR} \times \text{AB1} \times ((\text{FOE})) \text{FOE}}$$

Where:

- RfD = Reference dose as specified in WAC 173-340-708(7) (mg/kg-day)
- ABW = Average body weight over the period of exposure (70 kg)
- UCF2 = Unit conversion factor (1,000,000 mg/kg)
- SIR = Soil ingestion rate (50 mg/day)
- AB1 = Gastrointestinal absorption ((rate)) fraction (1.0) (unitless)
- ((FOE))
- FOE = Frequency of ((contact)) exposure (0.4) (unitless)
- HQ = Hazard quotient (1)((:)) (unitless)

~~((B) Concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to 1 in 100,000 via direct contact with contaminated soil and are determined using the following equation and standard exposure assumptions:))~~ (II) Carcinogens. For carcinogenic effects of hazardous substances due to soil ingestion, concentrations shall be determined using Equation 745-2. For petroleum mixtures and components of such mixtures, see (b)(iii)(B)(III) of this subsection.

[Equation 745-2]

$$\text{Soil Cleanup Level (mg/kg)} = \frac{\text{RISK} \times \text{ABW} \times \text{LIFE} \times \text{UCF1}}{\text{CPF} \times \text{SIR} \times \text{AB1} \times \text{DUR} \times ((\text{FOE})) \text{FOE}}$$

Where:

- RISK = Acceptable cancer risk level (1 in 100,000) (unitless)
- ABW = Average body weight over the period of exposure (70 kg)
- LIFE = Lifetime (75 years)
- UCF1 = Unit((s)) conversion factor (1,000,000 mg/kg)
- CPF = Carcinogenic potency factor as specified in WAC 173-340-708(8) (kg-day/mg)
- SIR = Soil ingestion rate (50 mg/day)
- AB1 = Gastrointestinal absorption ((rate)) fraction (1.0) (unitless)
- DUR = Duration of exposure (20 years)
- ((FOE))
- FOE = Frequency of ((contact)) exposure (0.4)((:)) (unitless)

~~((b) The department may establish method C cleanup levels that are more stringent than those required by (a) of this subsection when, based on a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment.~~

~~(5) Multiple hazardous substances/multiple pathways of exposure.~~

(a)) (III) Petroleum mixtures. For noncarcinogenic effects of petroleum mixtures, a total petroleum hydrocarbon cleanup level shall be calculated taking into account the additive effects of the petroleum fractions and volatile organic compounds present in the petroleum mixture. Equation 745-3 shall be used for this calculation. This equation takes into account concurrent exposure due to ingestion and dermal contact with petroleum contaminated soils. Cleanup levels for other noncarcinogens and known or suspected carcinogens within the petroleum mixture shall be calculated using Equations 745-4 and 745-5. See Table 830-1 for the analyses required for various petroleum products to use this method.

[Equation 745-3]

$$C_{\text{soil}} = \frac{HI \times ABW \times AT}{EF \times ED \left[\left(\frac{SIR \times AB1}{10^6 \text{ mg/kg}} \sum_{i=1}^n \frac{F(i)}{RfD(i)} \right) + \left(\frac{SA \times AF}{10^6 \text{ mg/kg}} \sum_{i=1}^n \frac{F(i) \times ABS(i)}{RfD(i)} \right) \right]}$$

Where:

- C_{soil} = TPH soil cleanup level (mg/kg)
- HI = Hazard index (1) (unitless)
- ABW = Average body weight (70 kg)
- AT = Averaging time (20 years)
- EF = Exposure frequency (0.7) (unitless)
- ED = Exposure duration (20 years)
- SIR = Soil ingestion rate (50 mg/day)
- AB1 = Gastrointestinal absorption fraction (1.0) (unitless)
- F(i) = Fraction (by weight) of petroleum component (i) (unitless)
- SA = Dermal surface area (2,500 cm²)
- AF = Adherence factor (0.2 mg/cm²-day)
- ABS = Dermal absorption fraction for petroleum component (i) (unitless). May use chemical-specific values or the following defaults:

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- 0.0005 for volatile petroleum components with vapor press \geq benzene
 - 0.03 for volatile petroleum components with vapor press $<$ benzene
 - 0.1 for other petroleum components
- RfDo(i) = Oral reference dose of petroleum component (i) as defined in WAC 173-340-708(7) (mg/kg-day)
- RfDd(i) = Dermal reference dose for petroleum component (i) (mg/kg-day) derived by RfDo \times GI
- GI = Gastrointestinal absorption conversion factor (unitless). May use chemical-specific values or the following defaults:
- 0.8 for volatile petroleum components
 - 0.5 for other petroleum components
- n = The number of petroleum components (petroleum fractions plus volatile organic compounds with an RfD) present in the petroleum mixture. (See Table 830-L)

(C) Soil vapors. The soil to vapor pathway shall be evaluated whenever one of the methods specified in WAC 173-340-747 (5) through (9) is used to derive a soil concentration that is protective of ground water and that concentration is significantly higher than a concentration derived under the method specified in WAC 173-340-747(4). See subsection (5)(c)(iv)(B) of this section for methods that may be used to evaluate the soil to vapor pathway.

(c) Modified Method C soil cleanup levels.

(i) General. Modified Method C soil cleanup levels are standard Method C soil cleanup levels modified with chemical-specific or site-specific data. When making these adjustments, the resultant cleanup levels shall meet applicable state and federal laws, meet health risk levels for standard Method C soil cleanup levels, and be demonstrated to be environmentally protective using the procedures specified in WAC 173-340-7490 through 173-340-7494. Changes to exposure assumptions must comply with WAC 173-340-708(10).

(ii) Allowable modifications. The following modifications may be made to the default assumptions in the standard Method C equations to derive modified Method C soil cleanup levels:

(A) For the protection of ground water see WAC 173-340-747;

(B) For soil ingestion, the gastrointestinal absorption fraction may be modified if the requirements of WAC 173-340-702 (14), (15), (16), and 173-340-708(10) are met;

(C) For dermal contact, the adherence factor, dermal absorption fraction and gastrointestinal absorption conversion factor may be modified if the requirements of WAC 173-340-702 (14), (15), (16), and 173-340-708(10) are met;

(D) Toxicity equivalent factors, as described in WAC 173-340-708(8), may be used for assessing the potential carcinogenic risk of mixtures of chlorinated dibenzo-p-dioxins, chlorinated dibenzofurans and polycyclic aromatic hydrocarbons;

(E) The reference dose and cancer potency factor may be modified if the requirements in WAC 173-340-708 (7) and (8) are met; and

(F) Modifications incorporating new science as provided for in WAC 173-340-702 (14), (15) and (16).

(iii) Dermal contact. For hazardous substances other than petroleum mixtures, dermal contact with the soil shall be evaluated whenever the proposed changes to Equations 745-1 and 745-2 would result in a significantly higher soil cleanup level than would be calculated without the proposed changes. When conducting this evaluation, the following equations and default exposure assumptions shall be used:

(A) For noncarcinogens use Equation 745-4. This equation takes into account concurrent exposure due to ingestion and dermal contact with soil.

[Equation 745-4]

$$C_{soil} = \frac{HQ \times ABW \times AT}{EF \times ED \left[\left(\frac{1}{RfDo} \times \frac{SIR \times AB1}{10^6 \text{ mg/kg}} \right) + \left(\frac{1}{RfDd} \times \frac{SA \times AF \times ABS}{10^6 \text{ mg/kg}} \right) \right]}$$

Where:

C_{soil} = Soil cleanup level (mg/kg)

HQ = Hazard quotient (unitless)

ABW = Average body weight (70 kg)

AT = Averaging time (20 years)

EF = Exposure frequency (0.7) (unitless)

ED = Exposure duration (20 years)

SIR = Soil ingestion rate (50 mg/day)

AB1 = Gastrointestinal absorption fraction (1.0) (unitless)

SA = Surface area (2,500 cm²)

AF = Adherence factor (0.2 mg/cm²-day)

ABS = Dermal absorption fraction (unitless). May use chemical-specific values or the following defaults:

- 0.01 for inorganic hazardous substances
- 0.0005 for volatile organic compounds with vapor press \geq benzene
- 0.03 for volatile organic compounds with vapor press $<$ benzene
- 0.1 for other organic hazardous substances

RfDo = Oral reference dose as defined in WAC 173-340-708(7) (mg/kg-day)

RfDd = Dermal reference dose (mg/kg-day) derived by RfDo \times GI

GI = Gastrointestinal absorption conversion factor (unitless). May use chemical-specific values or the following defaults:

- 0.2 for inorganic hazardous substances
- 0.8 for volatile organic compounds
- 0.5 for other organic hazardous substances

(B) For carcinogens use Equation 745-5. This equation takes into account concurrent exposure due to ingestion and dermal contact with soil.

[Equation 745-5]

$$C_{soil} = \frac{RISK \times ABW \times AT}{EF \times ED \left[\left(\frac{SIR \times AB1 \times CPFo}{10^6 \text{ mg/kg}} \right) + \left(\frac{SA \times AF \times ABS \times CPFd}{10^6 \text{ mg/kg}} \right) \right]}$$

Where

- C_{soil} = Soil cleanup level (mg/kg)
 RISK = Acceptable cancer risk (1 in 100,000) (unitless)
 ABW = Average body weight over duration of exposure (70 kg)
 AT = Averaging time (75 years)
 EF = Exposure frequency (0.7) (unitless)
 ED = Exposure duration (20 years)
 SIR = Soil ingestion rate (50 mg/day)
 ABI = Gastrointestinal absorption fraction (1.0) (unitless)
 CPFo = Oral cancer potency factor as defined in WAC 173-340-708(8) (kg-day/mg)
 CPFd = Dermal cancer potency factor (kg-day/mg) derived by CPFo/GI
 GI = Gastrointestinal absorption conversion factor (unitless). May use chemical-specific values or the following defaults:
- 0.2 for inorganic hazardous substances
 - 0.8 for volatile organic compounds
 - 0.5 for other organic hazardous substances
- SA = Surface area (2,500 cm²)
 AF = Adherence factor (0.2 mg/cm²-day)
 ABS = Dermal absorption fraction (unitless). May use chemical-specific values or the following defaults:
- 0.01 for inorganic hazardous substances
 - 0.0005 for volatile organic compounds with vapor press \geq benzene
 - 0.03 for volatile organic compounds with vapor press $<$ benzene
 - 0.1 for other organic hazardous substances

(C) Modifications may be made to Equations 745-4 and 745-5 as provided for in subsection (5)(c)(ii) of this section.

(iv) Soil vapors.

(A) Applicability. The soil to vapor pathway shall be evaluated whenever the proposed changes to the standard Method C equations (Equations 745-1, 745-2 and 745-3) or default values would result in a significantly higher soil cleanup level than would be calculated without the proposed changes. The soil to vapor pathway shall also be evaluated whenever one of the methods specified in WAC 173-340-747 (5) through (9) is used to derive a soil concentration that is protective of ground water and that concentration is significantly higher than a concentration derived under the method specified in WAC 173-340-747(4). Evaluation of soil vapors shall also be required under the following specific situations:

(I) For petroleum distillates containing less than eight percent (8%) volatile constituents by weight (such as diesel range organics), the indoor air pathway shall be evaluated whenever soil cleanup levels exceed 10,000 mg/kg within one foot of: The wall of a structure; bottom slab of a structure; or, conduit that could facilitate transport to a structure.

(II) When the soil cleanup level for a volatile hazardous substance is based on protection of ground water for nonpotable use and the ground water cleanup level is established using a site-specific risk assessment under WAC 173-340-720 (6)(c).

(B) Evaluation methods. Soil cleanup levels that are protective of the indoor and ambient air shall be determined on a site-specific basis. Soil cleanup levels may be evaluated

as being protective of air pathways using any of the following methods:

(I) Measurements of the soil vapor concentrations, using methods approved by the department, demonstrating vapors in the soil would not exceed air cleanup levels established under WAC 173-340-750.

(II) Measurements of ambient air concentrations and/or indoor air vapor concentrations throughout buildings, using methods approved by the department, demonstrating air does not exceed cleanup levels established under WAC 173-340-750. Such measurements must be representative of current and future site conditions when vapors are likely to enter and accumulate in structures. Measurement of ambient air may be excluded if it can be shown that indoor air is the most protective point of exposure.

(III) Use of modeling methods approved by the department to demonstrate the air cleanup standards established under WAC 173-340-750 will not be exceeded. When this method is used, the department may require soil vapor and/or air monitoring to be conducted to verify the calculations and compliance with air cleanup standards.

(IV) Other methods as approved by the department demonstrating the air cleanup standards established under WAC 173-340-750 will not be exceeded.

(d) Using modified Method C to evaluate industrial soil remediation levels. In addition to the adjustments allowed under subsection (5)(c) of this section, other adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357, and 173-340-708 (3)(d) and (10)(b).

(6) Adjustments to industrial soil cleanup levels.

(a) Total site risk adjustments. Soil cleanup levels for individual hazardous substances developed in accordance with subsection ((4)) (5) of this section, including cleanup levels based on state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting from more than one pathway of exposure. These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1×10^{-5}). These adjustments shall be made in accordance with the procedures specified in WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one (1) and the total excess cancer risk shall not exceed one in one hundred thousand (1×10^{-5}).

~~(b) ((These overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including cleanup levels based on applicable state and federal laws.~~

(6)) Adjustments to applicable state and federal laws. Where a cleanup level developed under subsection (3) or (5) of this section is based on an applicable state or federal law and the level of risk upon which the standard is based exceeds an excess cancer risk of one in one hundred thousand (1×10^{-5}) or a hazard index of one (1), the cleanup level shall

be adjusted downward so that total excess cancer risk does not exceed one in one hundred thousand (1×10^{-5}) and the hazard index does not exceed one (1) at the site.

(c) Natural background and analytical considerations. Cleanup levels determined under subsection (3) or (5) of this section, including cleanup levels adjusted under subsection (6)(a) and (b) of this section, shall not be set at levels below the practical quantitation limit or natural background concentration. See WAC 173-340-707 and 173-340-709 for additional requirements pertaining to practical quantitation limits and natural background.

(7) Point of compliance. The point of compliance for industrial property soil cleanup levels shall be established in accordance with WAC 173-340-740(6).

~~((7))~~ **(8) Compliance monitoring.** Compliance monitoring and data analysis and evaluation for industrial property soil cleanup levels shall be performed in accordance with WAC 173-340-410 and 173-340-740(7).

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.

NEW SECTION

WAC 173-340-747 Deriving soil concentrations for ground water protection. (1) **Purpose.** The purpose of this section is to establish soil concentrations that will not cause contamination of ground water at levels that exceed the ground water cleanup levels established under WAC 173-340-720. Soil concentrations established under this section are used to establish either Method B soil cleanup levels (see WAC 173-340-740 (3)(b)(iii)(A) or Method C soil cleanup levels (see WAC 173-340-745 (5)(b)(iii)(A)).

For the purposes of this section, "soil concentration" means the concentration in the soil that will not cause an exceedance of the ground water cleanup level established under WAC 173-340-720.

(2) **General requirements.** The soil concentration established under this section for each hazardous substance shall meet the following two criteria:

(a) The soil concentration shall not cause an exceedance of the ground water cleanup level established under WAC 173-340-720. To determine if this criterion is met, one of the methodologies specified in subsections (4) through (9) of this section shall be used; and

(b) To ensure that the criterion in (a) of this subsection is met, the soil concentration shall not result in the accumulation of free product on or in ground water. To determine if this criterion is met, one of the methodologies specified in subsection (10) of this section shall be used.

(3) **Overview of methods.** This subsection provides an overview of the methods specified in subsections (4) through (10) of this section for deriving soil concentrations that meet the criteria specified in subsection (2) of this section. Certain methods are tailored for particular types of hazardous substances or sites. Certain methods are more complex than others and certain methods require the use of site-specific data. The specific requirements for deriving a soil concentration

under a particular method may also depend on the hazardous substance.

(a) **Fixed parameter three-phase partitioning model.** The three-phase partitioning model with fixed input parameters may be used to establish a soil concentration for any hazardous substance. Site-specific data is not required for use of this model. See subsection (4) of this section.

(b) **Variable parameter three-phase partitioning model.** The three-phase partitioning model with variable input parameters may be used to establish a soil concentration for any hazardous substance. Site-specific data is required for use of this model. See subsection (5) of this section.

(c) **Four-phase partitioning model.** The four-phase partitioning model may be used to derive soil concentrations for any site where use of the three-phase partitioning model would result in the presence of hazardous substances in the soil as a nonaqueous phase liquid (NAPL). The department expects that this model will be used at sites contaminated with petroleum hydrocarbons. Site-specific data is required for use of this model. See subsection (6) of this section.

(d) **Leaching tests.** Leaching tests may be used to establish soil concentrations for certain metals. Leaching tests may also be used to establish soil concentrations for other hazardous substances, including petroleum hydrocarbons, provided sufficient information is available to correlate leaching test results with ground water impacts. Testing of soil samples from the site is required for use of this method. See subsection (7) of this section.

(e) **Alternative fate and transport models.** Fate and transport models other than those specified in subsections (4) through (6) of this section may be used to establish a soil concentration for any hazardous substance. Site-specific data is required for use of such models. See subsection (8) of this section.

(f) **Empirical demonstration.** An empirical demonstration may be used to show that measured soil concentrations will not cause an exceedance of the applicable ground water cleanup levels established under WAC 173-340-720. This empirical demonstration may be used for any hazardous substance. Site-specific data (e.g., ground water samples and soil samples) is required under this method. If the required demonstrations cannot be made, then a protective soil concentration shall be established under one of the methods specified in subsections (4) through (8) of this section. See subsection (9) of this section.

(g) **Residual saturation.** To ensure that the soil concentration established under one of the methods specified in subsections (4) through (9) of this section will not cause an exceedance of the ground water cleanup level established under WAC 173-340-720, the soil concentration must not result in the accumulation of free product on or in ground water. The methodologies and procedures specified in subsection (10) of this section shall be used to determine if this criterion is met.

(4) **Fixed parameter three-phase partitioning model.**

(a) **Overview.** This subsection specifies the procedures and requirements for establishing soil concentrations through the use of the fixed parameter three-phase partitioning model.

PROPOSED

The model may be used to establish soil concentrations for any hazardous substance. The model may be used to calculate both unsaturated and saturated zone soil concentrations.

This method provides default or fixed input parameters for the three-phase partitioning model that are intended to be protective under most circumstances and conditions; site-specific measurements are not required. In some cases it may be appropriate to use site-specific measurements for the input parameters. Subsection (5) of this section specifies the procedures and requirements to establish site-specific input parameters for use in the three-phase partitioning model.

(b) **Description of the model.** The three-phase partitioning model is described by the following equation:

[Equation 747-1]

$$C_s = C_w (UCF) DF \left[K_d + \frac{(\theta_w + \theta_a H_{cc})}{\rho_b} \right]$$

Where:

- C_s = Soil concentration (mg/kg)
- C_w = Ground water cleanup level established under WAC 173-340-720 (ug/l)
- UCF = Unit conversion factor (1mg/1,000 ug)
- DF = Dilution factor (dimensionless: 20 for unsaturated zone soil; see (e) of this subsection for saturated zone soil)
- K_d = Distribution coefficient (L/kg; see (c) of this subsection)
- θ_w = Water-filled soil porosity (ml water/ml soil: 0.3 for unsaturated zone soil; see (e) of this subsection for saturated zone soil)
- θ_a = Air-filled soil porosity (ml air/ml soil: 0.13 for unsaturated zone soil; see (e) of this subsection for saturated zone soil)
- H_{cc} = Henry's law constant (dimensionless; see (d) of this subsection)
- ρ_b = Dry soil bulk density (1.5 kg/L)

(c) **Distribution coefficient (Kd).** The default Kd values for organics and metals used in Equation 747-1 are as follows:

(i) **Organics.** For organic hazardous substances, the Kd value shall be derived using Equation 747-2. The Koc (soil organic carbon-water partition coefficient) parameter specified in Equation 747-2 shall be derived as follows:

(A) **Nonionic organics.** For individual nonionic hydrophobic organic hazardous substances (e.g., benzene and naphthalene), the Koc values in Table 747-1 shall be used. For hazardous substances not listed in Table 747-1, Kd values may be developed as provided in subsection (5) of this section (variable three-phase partitioning model).

(B) **Ionizing organics.** For ionizing organic hazardous substances (e.g., pentachlorophenol and benzoic acid), the Koc values in Table 747-2 shall be used. Table 747-2 provides Koc values for three different pHs. To select the appropriate Koc value, the soil pH must be measured. The Koc value for the corresponding soil pH shall be used. If the soil pH falls between the pH values provided, an appropriate Koc

value shall be selected by interpolation between the listed Koc values.

[Equation 747-2]

$$K_d = K_{oc} \times f_{oc}$$

Where:

- Koc = Soil organic carbon-water partitioning coefficient (ml/g; see (c)(i) of this subsection)
- foc = Soil fraction of organic carbon (0.1% or 0.001 g/g)

(ii) **Metals.** For metals, the Kd values in Table 747-3 shall be used. For metals not listed in Table 747-3, Kd values may be developed as provided in subsection (5) of this section (variable three-phase partitioning model).

(d) **Henry's law constant.** For petroleum fractions, the values for Henry's law constant in Table 747-4 shall be used in Equation 747-1. For individual organic hazardous substances, the value shall be based on values in the scientific literature. For all metals present as inorganic compounds except mercury, zero shall be used. For mercury, either 0.47 or a value derived from the scientific literature shall be used. Derivation of Henry's law constant from the scientific literature shall comply with WAC 173-340-702 (14), (15) and (16).

(e) **Saturated zone soil concentrations.** Equation 747-1 may also be used to derive concentrations for soil that is located at or below the ground water table (the saturated zone). The following input parameters shall be changed if Equation 747-1 is used to derive saturated zone soil concentrations:

- (i) The dilution factor shall be changed from 20 to 1;
- (ii) The water-filled soil porosity value shall be changed from 0.3 ml water/ml soil to 0.43 ml water/ml soil; and
- (iii) The air-filled soil porosity value shall be changed from 0.13 ml air/ml soil to zero.

(5) **Variable parameter three-phase partitioning model.**

(a) **Overview.** This section specifies the procedures and requirements to derive site-specific input parameters for use in the three-phase partitioning model. This method may be used to establish soil concentrations for any hazardous substance. This method may be used to calculate both unsaturated and saturated zone soil concentrations.

This method allows for the substitution of site-specific values for the default values in Equation 747-1 for one or more of the following five input parameters: Distribution coefficient, soil bulk density, soil volumetric water content, soil air content, and dilution factor. The methods that may be used and the requirements that shall be met to derive site-specific values for each of the five input parameters are specified in (b) through (f) of this subsection.

(b) **Methods for deriving a distribution coefficient (Kd).** To derive a site-specific distribution coefficient, one of the following methods shall be used:

(i) **Deriving Kd from soil fraction of organic carbon (foc) measurements.** Site-specific measurements of soil organic carbon may be used to derive distribution coefficients for nonionic hydrophobic organics using Equation 747-2. Soil organic carbon measurements shall be based on

uncontaminated soil below the root zone (i.e., soil greater than one meter in depth) that is representative of site conditions or in areas through which contaminants are likely to migrate.

The laboratory protocols for measuring soil organic carbon in the Puget Sound Estuary Program (March, 1986) may be used. Other methods may also be used if approved by the department. All laboratory measurements of soil organic carbon shall be based on methods that do not include inorganic carbon in the measurements.

(ii) **Deriving Kd from site data.** Measurements of the hazardous substance concentrations in the soil and the soil pore water or ground water may be used to derive a distribution coefficient. Distribution coefficients that have been derived from site data shall be based on measurements of soil and ground water hazardous substance concentrations from the same depth and location. Soil and ground water samples that have hazardous substances present as a nonaqueous phase liquid (NAPL) shall not be used to derive a distribution coefficient.

(iii) **Deriving Kd from batch tests.** A site-specific distribution coefficient may be derived by using batch equilibrium tests to measure hazardous substance adsorption and desorption. The results from the batch test may be used to derive Kd from the sorption relationship between hazardous substance concentrations in the soil and water. If a batch-leaching test is used, measures shall be taken to prevent biodegradation and volatilization both before and during leaching testing.

(iv) **Deriving Kd from the scientific literature.** The scientific literature may be used to derive a distribution coefficient (Kd) for any hazardous substance, provided it complies with WAC 173-340-702 (14), (15) and (16).

(c) **Deriving soil bulk density.** ASTM Method 2049 or other methods approved by the department may be used to derive soil bulk density values.

(d) **Deriving soil volumetric water content using laboratory methods.** ASTM Method 2216 or other methods approved by the department may be used to derive soil volumetric water content values.

(e) **Estimating soil air content.** An estimate of soil air content may be determined by calculating soil porosity and subtracting the volumetric water content.

(f) **Deriving a dilution factor from site-specific estimates of infiltration and ground water flow volume.** Site-specific estimates of infiltration and ground water flow volume may be used in the following equation to derive a site-specific dilution factor:

[Equation 747-3]

$$DF = (Q_p + Q_a) / Q_p$$

Where:

- DF = Dilution factor (dimensionless)
 Q_p = Volume of water infiltrating (m³/yr)
 Q_a = Ground water flow (m³/yr)

(i) **Calculating ground water flow volume.** The following equation shall be used under this method to calculate the volume of ground water flow (Q_a):

[Equation 747-4]

$$Q_a = K \times A \times I$$

Where:

- Q_a = Ground water flow volume (m³/year)
 K = Hydraulic conductivity (m/year). Site-specific measurements shall be used to derive this parameter.
 A = Aquifer mixing zone (m²). The aquifer mixing zone thickness shall not exceed 5 meters in depth and be equal to a unit width of 1 meter, unless it can be demonstrated empirically that the mixing zone thickness exceeds 5 meters.
 I = Gradient (m/m). Site-specific measurements shall be used to derive this parameter.

Note: This equation assumes the ground water concentrations of hazardous substances of concern upgradient of the site are zero. If this assumption is not true, the quantity of ground water available for dilution must be adjusted downward in proportion to the upgradient concentration.

(ii) **Calculating or estimating infiltration.** The following equation shall be used under this method to calculate the volume of water infiltrating (Q_p):

[Equation 747-5]

$$Q_p = L \times W \times Inf$$

Where:

- Q_p = Volume of water infiltrating (m/year)
 L = Estimated length of contaminant source area parallel to ground water flow (m)
 W = Unit width of contaminant source area (1 meter)
 Inf = Infiltration (m/year)

(A) If a default annual infiltration value (Inf) is used, the value shall meet the following requirements. For sites west of the Cascade Mountains, the default annual infiltration value shall be 70 percent of the average annual precipitation amount. For sites east of the Cascade Mountains, the default annual infiltration value shall be 25 percent of the average annual precipitation amount.

(B) If a site-specific measurement or estimate of infiltration (Inf) is made, it shall be based on site conditions without surface caps (e.g., pavement) or other structures that would control or impede infiltration. The presence of a cover or cap may be considered when evaluating the protectiveness of a remedy under WAC 173-340-350 through 173-340-360. If a site-specific measurement or estimate of infiltration is made, then it must comply with WAC 173-340-702 (14), (15) and (16).

(6) Four-phase partitioning model.

(a) **Overview.** This subsection specifies the procedures and requirements for establishing soil concentrations through the use of the four-phase partitioning model. This model may be used to derive soil concentrations for any site where use of the three-phase partitioning model would result in the presence of hazardous substances in the soil as a nonaqueous

phase liquid (NAPL). The model is described in (c) of this subsection. Instructions on how to use the model to establish protective soil concentrations are provided in (d) of this subsection.

(b) **Restrictions on use of the model for alcohol enhanced fuels.** The four-phase partitioning model may be used on a case-by-case basis for soil containing fuels (e.g., gasoline) that have been enhanced with alcohol. If the model is used for alcohol enhanced fuels, then it shall be demonstrated that the effects of cosolvency have been adequately considered and, where necessary, taken into account when applying the model. Use of the model for alcohol enhanced fuels without considering the effects of cosolvency and increased ground water contamination is prohibited.

(c) **Description of the model.** The four-phase partitioning model is based on the following three equations:

(i) **Conservation of volume equation.**

[Equation 747-6]

$$n = \theta_w + \theta_a + \theta_{NAPL}$$

Where:

- n = Total soil porosity (ml total pore space/ml total soil volume: Use a default value of 0.43 ml/ml or use a value determined from site-specific measurements.)
- θ_w = Volumetric water content (ml water/ml soil): For unsaturated soil use a default value of 0.3 or a value determined from site-specific measurements. For saturated soil this value is unknown and must be solved for. It equals the total soil porosity minus volume occupied by the NAPL.)
- θ_a = Volumetric air content (ml air volume/ml total soil volume: For unsaturated soil this value is unknown and must be solved for. It equals the total soil porosity minus the volume occupied by the water and NAPL. For saturated soil this value is zero.)
- θ_{NAPL} = Volumetric NAPL content (ml NAPL volume/ml total soil volume: For both unsaturated and saturated soil this value is unknown and must be solved for.)

(ii) **Four-phase partitioning equation.**

[Equation 747-7]

$$\frac{M_T^i}{m_{soil}} = \frac{x_i S_i}{\rho_b} \left[\theta_w + K_{oc}^i f_{oc} \rho_b + H_{cc}^i \theta_a + \frac{GFW_i}{S_i} \rho_{NAPL} \theta_{NAPL} \right]$$

Where:

- M_T^i = Total mass of each NAPL component in the system (mg; derived from site-specific measurements)
- m_{soil} = Total soil mass (kg)
- x_i = Mole fraction (at equilibrium) of each NAPL component (dimensionless)
- S_i = Solubility of each NAPL component (mg/l; see Table 747-4 for petroleum hydrocarbons; see the scientific literature for other hazardous substances)
- ρ_b = Dry soil bulk density (1.5 kg/l)

K_{oc}^i = Soil organic carbon-water partitioning coefficient for each NAPL component (l/kg; see Table 747-4 for petroleum hydrocarbons; see subsection (4)(b) of this section for other hazardous substances)

f_{oc} = Mass fraction of soil natural organic carbon (0.001 g soil organic/g soil)

H_{cc}^i = Henry's law constant for each NAPL component (dimensionless; see Table 747-4 for petroleum hydrocarbons; see subsection (4)(c) of this section for other hazardous substances)

GFW_i = Gram formula weight, or molecular weight of each NAPL component (mg/mol; see Table 747-4 for petroleum hydrocarbons; see the scientific literature for other hazardous substances)

P_{NAPL} = Molar density of the NAPL mixture (mol/l; see Equation 747-8)

NAPL Component = For petroleum mixtures, this means the petroleum fractions plus volatile organic compounds with a reference dose; for other hazardous substances, this means each organic hazardous substance that is found in the NAPL.

(iii) **Molar density equation.**

[Equation 747-8]

$$\rho_{NAPL} = \frac{\left[\frac{\sum x_i GFW_i}{\sum x_i GFW_i / \rho_i} \right]}{\sum (x_i GFW_i / \rho_i)}$$

Where:

- GFW_i = Gram formula weight, or molecular weight of each NAPL component (mg/mol; see Table 747-4 for petroleum hydrocarbons; see the scientific literature for other hazardous substances)
- x_i = Mole fraction (at equilibrium) of each NAPL component (dimensionless)
- ρ_i = Density of each NAPL component (mg/l; see Table 747-4 for petroleum hydrocarbons; see the scientific literature for other hazardous substances)
- NAPL Component* = For petroleum mixtures, this means the petroleum fractions plus volatile organic compounds with a reference dose; for other hazardous substances, this means each organic hazardous substance that is found in the NAPL.

(d) **Instructions for using the model.** This subsection provides instructions for using the four-phase partitioning model to predict ground water concentrations and to establish protective soil concentrations. The model uses an iterative process to simultaneously solve multiple equations for several unknowns. To predict a ground water concentration, the mole fraction of each NAPL component (at equilibrium) must be known. The predicted ground water concentration is obtained by multiplying the water solubility of each NAPL component by the equilibrated mole fraction (Equation 747-7).

(i) **Step 1: Measure hazardous substance soil concentrations.** Collect and analyze soil samples and, if appropriate, samples of the product released, for individual hazardous

substances. For petroleum hydrocarbons, see Table 830-1 for a description of what to analyze for.

(ii) **Step 2: Derive physical/chemical data.** For each of the NAPL components, determine the Henry's law constant, water solubility, soil organic carbon-water partitioning coefficient (K_{oc}) and molecular weight values. For petroleum hydrocarbons, see Table 747-4.

(iii) **Step 3: Derive soil parameters.** Derive a value for each of the following soil parameters as follows:

(A) **Soil organic carbon content.** Use the default value (0.001 g soil organic/g soil) or a site-specific value derived under subsection (5)(b)(i) of this section.

(B) **Soil volumetric water content.** Use the default value (0.43 minus the volume of NAPL and air) or a site-specific value derived under subsection (5)(d) of this section.

(C) **Soil volumetric air content.** Use the default value (0.13 ml/ml for unsaturated zone soil; zero for saturated zone soil) or a site-specific value derived under subsection (5)(e) of this section.

(D) **Soil bulk density and porosity.** Use the default values of 1.5 kg/L for soil bulk density and 0.43 for soil porosity or use site-specific values. If a site-specific value for bulk density is used, the method specified in subsection (5)(c) of this subsection shall be used. If a site-specific bulk-density value is used, a site-specific porosity value shall also be used. The site-specific soil porosity value may be calculated using a default soil specific gravity of 2.65 gm/cc or measuring the soil specific gravity using ASTM Method D 854.

(iv) **Step 4: Predict a soil pore water concentration.** Equation 747-7, along with Equation 747-6 and the condition that $\sum x_i = 1$, shall be used to predict the soil pore water concentration for each NAPL component. To do this, multiple versions of Equation 747-7 shall be constructed, one for each of the NAPL components using the associated parameter inputs for K_{oc} , H_{cc} , GFW, and S . These relations shall then be combined with Equation 747-6 and $\sum x_i = 1$ and solved simultaneously.

(v) **Step 5: Derive a dilution factor.** Derive a dilution factor using one of the following two methods:

(A) Use the default value of 20 for unsaturated soils and 1 for saturated soils); or

(B) Derive a site-specific value using site-specific estimates of infiltration and ground water flow volume under subsection (5)(f) of this section.

(vi) **Step 6: Calculate a predicted ground water concentration.** Calculate a predicted ground water concentration by dividing the predicted soil pore water concentration for each NAPL component by a dilution factor to account for the dilution that occurs once the NAPL component enters ground water.

(vii) **Step 7: Establishing protective soil concentrations.**

(A) **Petroleum mixtures.** For petroleum mixtures, compare the predicted ground water concentration for each NAPL component and for the total petroleum hydrocarbon mixture (sum of the petroleum components in the NAPL) with the applicable ground water cleanup level established under WAC 173-340-720.

(I) If the predicted ground water concentration for each of the NAPL components and for the total petroleum hydrocarbon mixture is less than or equal to the applicable ground water cleanup level, then the soil concentrations measured at the site are protective.

(II) If the condition in (d)(vii)(A)(I) of this subsection is not met, then the soil concentrations measured at the site are not protective. Use the four-phase partitioning model in an iterative process to calculate protective soil concentrations.

(B) **Other mixtures.** For mixtures that do not include petroleum hydrocarbons, compare the predicted ground water concentration for each hazardous substance in the mixture with the applicable ground water cleanup level established under WAC 173-340-720.

(I) If the predicted ground water concentration for each of the hazardous substances in the mixture is less than or equal to the applicable ground water cleanup level, then the soil concentrations measured at the site are protective.

(II) If the condition in (d)(vii)(B)(I) of this subsection is not met, then the soil concentrations measured at the site are not protective. Use the four-phase partitioning model in an iterative process to calculate protective soil concentrations.

(7) **Leaching tests.**

(a) **Overview.** This subsection specifies the procedures and requirements for deriving soil concentrations through the use of leaching tests. Leaching tests may be used to establish soil concentrations for the following specified metals: Arsenic, cadmium, total chromium, hexavalent chromium, copper, lead, mercury, nickel, selenium, and zinc (see (b) and (c) of this subsection). Leaching tests may also be used to establish soil concentrations for other hazardous substances, including petroleum hydrocarbons, provided sufficient information is available to correlate leaching test results with ground water impacts (see (d) of this subsection). Testing of soil samples from the site is required for use of this method.

(b) **Leaching tests for specified metals.** If leaching tests are used to establish soil concentrations for the specified metals, the following two leaching tests may be used:

(i) EPA Method 1312, Synthetic Precipitation Leaching Procedure (SPLP). Fluid #3 (pH = 5.0), representing acid rain in the western United States, shall be used when conducting this test. This test may underestimate ground water impacts when acidic conditions exist due to significant biological degradation or for other reasons. Underestimation of ground water impacts may occur, for example, when soils contaminated with metals are located in wood waste, in municipal solid waste landfills, in high sulfur content mining wastes, or in other situations with a pH <6. Consequently, this test shall not be used in these situations and the TCLP test should be used instead.

(ii) EPA Method 1311, Toxicity Characteristic Leaching Procedure (TCLP). Fluid #1 (pH = 4.93), representing organic acids generated by biological degradation processes, shall be used when conducting this test. This test is intended to represent situations where acidic conditions are present due to biological degradation such as in municipal solid waste landfills. Thus, it may underestimate ground water impacts where this is not the case and the metals of interest are more soluble under alkaline conditions. An

example of this would be arsenic occurring in alkaline (pH >8) waste or soils. Consequently, this test shall not be used in these situations and the SPLP test should be used instead.

(c) **Criteria for specified metals.** When using either EPA Method 1312 or 1311, the analytical methods used for analysis of the leaching test effluent shall be sufficiently sensitive to quantify hazardous substances at concentrations at the ground water cleanup level established under WAC 173-340-720. For a soil metals concentration derived under (b) of this subsection to be considered protective of ground water, the leaching test effluent concentration shall meet the following criteria:

(i) For cadmium, lead and zinc, the leaching test effluent concentration shall be less than or equal to ten (10) times the applicable ground water cleanup level established under WAC 173-340-720.

(ii) For arsenic, total chromium, hexavalent chromium, copper, mercury, nickel and selenium, the leaching test effluent concentration shall be less than or equal to the applicable ground water cleanup level established under WAC 173-340-720.

(d) **Leaching tests for other hazardous substances.** Leaching tests using the methods specified in this subsection may also be used for hazardous substances other than the metals specifically identified in this subsection, including petroleum hydrocarbons. Alternative leaching test methods may also be used for any hazardous substance, including the metals specifically identified in this subsection. Use of the leaching tests specified in (b) and (c) of this subsection for other hazardous substances or in a manner not specified in (b) and (c) of this subsection, or use of alternative leaching tests for any hazardous substance is subject to department approval and the user must demonstrate with empirical data that the leaching test results correlate with actual ground water impacts. The department will use the criteria in WAC 173-340-702 (14), (15) and (16) to evaluate the appropriateness of these alternative methods.

(8) Alternative fate and transport models.

(a) **Overview.** This subsection specifies the procedures and requirements for establishing soil concentrations through the use of fate and transport models other than those specified in subsections (4) through (6) of this section. These alternative models may be used to establish a soil concentration for any hazardous substance. Site-specific data is required for use of these models.

(b) **Assumptions.** When using alternative models, transport processes modeled shall include advection-dispersion, at a minimum. Other processes that may be modeled and constraints on their use, include the following:

(i) **Sorption.** Sorption values shall be derived in accordance with either subsection (4)(c) of this section or the methods specified in subsection (5)(b) of this section.

(ii) **Vapor phase partitioning.** If Henry's law constant is used to establish vapor phase partitioning, then the constant shall be derived in accordance with subsection (4)(d) of this section.

(iii) **Natural biodegradation.** Rates of natural biodegradation shall be derived from site-specific measurements.

(iv) **Dispersion.** Estimates of dispersion shall be derived from either site-specific measurements or literature values.

(v) **Decaying source.** Fate and transport algorithms that account for decay over time.

(vi) **Dilution.** Dilution shall be based on site-specific measurements or estimated using a model incorporating site-specific characteristics. The quantity of ground water available for dilution shall be adjusted downward in proportion to the background (upgradient) concentration.

(vii) **Infiltration.** Infiltration shall be derived in accordance with subsection (5)(f)(ii)(A) or (B) of this section.

(c) **Evaluation criteria.** Proposed fate and transport models, input parameters, and assumptions shall comply with WAC 173-340-702 (14), (15) and (16).

(9) Empirical demonstration.

(a) **Overview.** This subsection specifies the procedures and requirements for demonstrating empirically that soil concentrations measured at the site will not cause an exceedance of the applicable ground water cleanup levels established under WAC 173-340-720. This empirical demonstration may be used for any hazardous substance. Site-specific data (e.g., ground water and soil samples) is required under this method. If the demonstrations required under (b) of this subsection cannot be made, then a protective soil concentration shall be established under one of the methods specified in subsections (4) through (8) of this section.

(b) **Requirements.** To demonstrate empirically that measured soil concentrations will not cause an exceedance of the applicable ground water cleanup levels established under WAC 173-340-720, the following shall be demonstrated:

(i) The measured ground water concentration is less than or equal to the applicable ground water cleanup level established under WAC 173-340-720; and

(ii) The measured soil concentration will not cause an exceedance of the applicable ground water cleanup level established under WAC 173-340-720 at any time in the future. Specifically, it must be demonstrated that a sufficient amount of time has elapsed for migration of hazardous substances from soil into ground water to occur and that the characteristics of the site (e.g., depth to ground water and infiltration) are representative of future site conditions. This demonstration may also include a measurement or calculation of the attenuating capacity of soil between the source of the hazardous substance and the ground water table using site-specific data.

(c) **Evaluation criteria.** Empirical demonstrations shall be based on methods approved by the department. Those methods shall comply with WAC 173-340-702 (14), (15) and (16).

(10) Residual saturation.

(a) **Overview.** To ensure the soil concentrations established under one of the methods specified in subsections (4) through (9) of this section will not cause an exceedance of the ground water cleanup level established under WAC 173-340-720, the soil concentrations must not result in the accumulation of free product on or in ground water (see subsection (2)(b) of this section). To ensure that this criterion is met, either an empirical demonstration must be made (see (c) of

this subsection) or residual saturation screening levels must be established and compared with the soil concentrations established under one of the methods specified in subsections (4) through (9) of this section (see (d) and (e) of this subsection). This subsection applies to any site where hazardous substances are present as a nonaqueous phase liquid (NAPL), including sites contaminated with petroleum hydrocarbons.

(b) **Definition of residual saturation.** When a nonaqueous phase liquid (NAPL) is released to the soil, some of the NAPL will be left behind in the soil pores or void spaces due to capillary forces. The amount of NAPL that is left behind in the soil pores is called residual saturation. This term is used to describe the volumetric content of the petroleum hydrocarbons or other hazardous substances that remain in the soil pores. At volumetric contents above residual saturation, the NAPL will continue to migrate. If this occurs, the NAPL may eventually migrate into ground water, provided a sufficient volume of NAPL is released.

(c) **Empirical demonstration.** An empirical demonstration may be used to show that soil concentrations measured at the site will not result in the accumulation of free product on or in ground water. An empirical demonstration may be used for any hazardous substance. Site-specific data (e.g., ground water and soil samples) is required under this method. If the demonstrations required under (c)(i) of this subsection cannot be made, then a protective soil concentration shall be established under (d) and (e) of this subsection.

(i) **Requirements.** To demonstrate empirically that measured soil concentrations will not result in the accumulation of free product on or in ground water, the following shall be demonstrated:

(A) Free product has not accumulated on or in ground water; and

(B) The measured soil concentration will not result in free product accumulating on or in ground water at any time in the future. Specifically, it must be demonstrated that a sufficient amount of time has elapsed for migration of hazardous substances from soil into ground water to occur and that the characteristics of the site (e.g., depth to ground water and infiltration) are representative of future site conditions. This demonstration may also include a measurement or calculation of the attenuating capacity of soil between the source of the hazardous substance and the ground water table using site-specific data.

(iii) **Evaluation criteria.** Empirical demonstrations shall be based on methods approved by the department. Those methods shall comply with WAC 173-340-702 (14), (15) and (16).

(d) **Deriving residual saturation screening levels.** Unless an empirical demonstration is made under (c) of this subsection, residual saturation screening levels shall be derived and compared with the soil concentrations derived under the methods specified in subsections (4) through (9) of this subsection to ensure that those soil concentrations will not result in the accumulation of free product on or in ground water. Residual saturation screening levels shall be derived using one of the following methods.

(i) **Default screening levels for petroleum hydrocarbons.** Residual saturation screening levels for petroleum

hydrocarbons may be obtained from the values specified in Table 747-5.

(ii) **Site-specific screening levels.** Residual saturation screening levels for petroleum hydrocarbons and other hazardous substances may be derived from site-specific measurements. Site-specific measurements of residual saturation shall be based on methods approved by the department. Laboratory measurements or theoretical estimates (i.e., those that are not based on site-specific measurements) of residual saturation shall be supported and verified by site data. This may include an assessment of ground water monitoring data and soil concentration data with depth and an analysis of the soil's texture (grain size), porosity and volumetric water content.

(e) **Adjustment to the derived soil concentrations.** After residual saturation screening levels have been derived under (d) of this subsection, the screening levels shall be compared with the soil concentrations derived under one of the methods specified in subsections (4) through (9) of this subsection. If the residual saturation screening level exceeds the soil concentration, then the soil concentration shall be adjusted downward to the screening level to be protective. If the residual saturation screening level does not exceed the soil concentration, then the soil concentration is protective.

(11) **Ground water monitoring requirements.** The department may, on a case-by-case basis, require ground water monitoring to confirm that hazardous substance soil concentrations derived under this section meet the criterion specified in subsection (2) of this section.

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.

NEW SECTION

WAC 173-340-7490 Terrestrial ecological evaluation procedures. (1) Purpose.

(a) WAC 173-340-7490 through 173-340-7494 define the goals and procedures the department will use for:

(i) Determining whether a release of hazardous substances to soil may pose a threat to the terrestrial environment;

(ii) Characterizing existing or potential threats to terrestrial plants or animals exposed to hazardous substances in soil; and

(iii) Establishing site-specific cleanup standards for the protection of terrestrial plants and animals.

(b) Information collected during a terrestrial ecological evaluation shall also be used in developing and evaluating cleanup action alternatives and in selecting a cleanup action under WAC 173-340-350 through 173-340-390. WAC 173-340-7490 through 173-340-7494 do not necessarily require a cleanup action for terrestrial ecological protection separate from a human health-based cleanup action. Where appropriate, a terrestrial ecological evaluation may be conducted so as to avoid duplicative studies of soil contamination that will be remediated to address other concerns, as provided in WAC 173-340-350 (7)(c)(iii)(F)(II).

(c) These procedures are not intended to be used to evaluate potential threats to ecological receptors in sediments, surface water, or wetlands. Procedures for sediment evalua-

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tions are described in WAC 173-340-760, and for surface water evaluations in WAC 173-340-730. Procedures for wetland evaluations shall be determined by the department on a case-by-case basis.

(2) **Requirements.** In the event of a release of a hazardous substance to the soil at a site, one of the following actions shall be taken:

(a) Document an exclusion from any further terrestrial ecological evaluation using the criteria in WAC 173-340-7491;

(b) Conduct a simplified terrestrial ecological evaluation as set forth in WAC 173-340-7492; or

(c) Conduct a site-specific terrestrial ecological evaluation as set forth in WAC 173-340-7493.

(3) **Goal.** The goal of the terrestrial ecological evaluation process is the protection of terrestrial ecological receptors from exposure to contaminated soil with the potential to cause significant adverse effects. For species protected under the Endangered Species Act or other applicable laws that extend protection to individuals of a species, a significant adverse effect means an impact that would significantly disrupt normal behavior patterns that include, but are not limited to, breeding, feeding, or sheltering. For all other species, significant adverse effects are effects that impair reproduction, growth or survival.

(a) The simplified terrestrial ecological evaluation process has been developed to be protective of terrestrial ecological receptors at most qualifying sites, while the site-specific terrestrial ecological evaluation process is intended to be highly likely to be protective at any site.

(b) The following policy on terrestrial ecological receptors to be protected applies to all terrestrial ecological evaluations. For land uses other than industrial or commercial, protectiveness is evaluated relative to terrestrial plants, wildlife, and ecologically important functions of soil biota that affect plants or wildlife.

For industrial or commercial properties, current or future potential for exposure to soil contamination need only be evaluated for terrestrial wildlife protection. Plants and soil biota need not be considered unless:

(i) The species is protected under the federal Endangered Species Act; or

(ii) The soil contamination is located on an area of an industrial or commercial property where vegetation must be maintained to comply with local government land use regulations.

(c) For the purposes of this section, "industrial property" means properties meeting the definition in WAC 173-340-200. "Commercial property" means properties that are currently zoned for commercial property use and that are characterized by or are committed to traditional commercial uses such as offices, retail and wholesale sales, professional services, consumer services, and, warehousing.

(d) Any terrestrial remedy, including exclusions, based at least in part on future land use assumptions shall include a completion date for such future development acceptable to the department.

(4) **Point of compliance.**

(a) **Conditional point of compliance.** For sites with institutional controls to prevent excavation of deeper soil, a conditional point of compliance may be set at the biologically active soil zone. This zone is assumed to extend to a depth of six feet. The department may approve a site-specific depth based on a demonstration that an alternative depth is more appropriate for the site. In making this demonstration, the following shall be considered:

(i) Depth to which soil macro-invertebrates are likely to occur;

(ii) Depth to which soil turnover (bioturbation) is likely to occur due to the activities of soil invertebrates;

(iii) Depth to which animals likely to occur at the site are expected to burrow; and

(iv) Depth to which plant roots are likely to extend.

(b) **Standard point of compliance.** An institutional control is not required for soil contamination that is at least fifteen feet below the ground surface. This represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of site development activities, resulting in exposure by ecological receptors.

(5) **Additional measures.** The department may require additional measures to evaluate potential threats to terrestrial ecological receptors notwithstanding the provisions in this and the following sections, when based upon a site-specific review, the department determines that such measures are necessary to protect the environment.

NEW SECTION

WAC 173-340-7491 Exclusions from a terrestrial ecological evaluation. (1) **Criteria for determining that no further evaluation is required.** No further evaluation is required if the department determines that a site meets any of the criteria in (a) through (d) of this subsection:

(a) All soil contaminated with hazardous substances is, or will be, located below the point of compliance established under WAC 173-340-7490(4). To qualify for this exclusion, an institutional control shall be required by the department under WAC 173-340-440. An institutional control is not required if the contamination is at least fifteen feet below the ground surface (WAC 173-340-7490 (4)(b)). An exclusion based on planned future land use shall include a completion date for such future development that is acceptable to the department.

(b) All soil contaminated with hazardous substances is, or will be, covered by buildings, paved roads, pavement, or other physical barriers that will prevent plants or wildlife from being exposed to the soil contamination. To qualify for this exclusion, an institutional control shall be required by the department under WAC 173-340-440. An exclusion based on planned future land use shall include a completion date for such future development that is acceptable to the department;

(c) Where the site conditions are related or connected to undeveloped land in the following manner:

(i) For sites contaminated with hazardous substances other than those specified in (c)(ii) of this subsection, there is less than 1.5 acres of contiguous undeveloped land on the site or within 500 feet of any area of the site; and

(ii) For sites contaminated with any of the following hazardous substances: Chlorinated dioxins or furans, PCB mixtures, DDT, DDE, DDD, aldrin, chlordane, dieldrin, endosulfan, endrin, heptachlor or heptachlor epoxide, benzene hexachloride, toxaphene, hexachlorobenzene, pentachlorophenol, or pentachlorobenzene, there is less than 1/4 acre of contiguous undeveloped land on or within 500 feet of any area of the site affected by these hazardous substances. This list does not imply that sampling must be conducted for each of these chemicals at every site. Sampling should be conducted for those chemicals that might be present based on available information, such as current and past uses of chemicals at the site; and

(iii) For the purposes of (c)(i) and (ii) of this subsection, and Table 749-1, "undeveloped land" shall mean land that is not covered by buildings, roads, paved areas or other barriers that would prevent wildlife from feeding on plants, earthworms, insects or other food in or on the soil. "Contiguous" undeveloped land means an area of undeveloped land that is not divided into smaller areas by highways, extensive paving or similar structures that are likely to reduce the potential use of the overall area by wildlife. Roads, sidewalks and other structures that are unlikely to reduce potential use of the area by wildlife shall not be considered to divide a contiguous area into smaller areas.

(d) Concentrations of hazardous substances in soil do not exceed natural background levels, as determined under WAC 173-340-709.

(2) Procedure for a site that does not qualify for an exclusion.

(a) Sites that do not qualify for an exclusion under subsection (1) of this section shall conduct a site-specific terrestrial ecological evaluation if any of the following criteria apply:

(i) The site is located on, or directly adjacent to, an area where management or land use plans will maintain or restore native or seminative vegetation (e.g., green-belts, protected wetlands, forestlands, locally designated environmentally sensitive areas, open space areas managed for wildlife, and some parks or outdoor recreation areas. This does not include park areas used for intensive sport activities such as baseball or football).

(ii) The site is used by a threatened or endangered species; a wildlife species classified by the Washington state department of fish and wildlife as a "priority species" or "species of concern" under Title 77 RCW; or a plant species classified by the Washington state department of natural resources natural heritage program as "endangered," "threatened," or "sensitive" under Title 79 RCW. For plants, "used" means that a plant species grows at the site or has been found growing at the site. For animals, "used" means that individuals of a species have been observed to live, feed or breed at the site.

(iii) The site is located on a property that contains at least ten acres of native vegetation within 500 feet of the site, not including vegetation beyond the property boundaries.

(iv) The department determines that the site may present a risk to significant wildlife populations.

(b) If none of the criteria in (a) of this subsection apply to the site, either a simplified terrestrial ecological evaluation described under WAC 173-340-7492 or a site-specific terrestrial ecological evaluation described under WAC 173-340-7493 shall be conducted.

(c) For the purposes of this section, the following definitions shall apply.

(i) "Native vegetation" means any plant community native to the state of Washington. The following sources shall be used in making this determination: *Natural Vegetation of Oregon and Washington*, J.F. Franklin and C.T. Dyrness, Oregon State University Press, 1988, and L.C. Hitchcock, C.L. Hitchcock, J.W. Thompson and A. Cronquist, 1955-1969, *Vascular Plants of the Pacific Northwest* (5 volumes). Areas planted with native species for ornamental or landscaping purposes shall not be considered to be native vegetation.

(ii) "Seminative vegetation" means a plant community that includes at least some vascular plant species native to the state of Washington. The following shall not be considered seminative vegetation: Areas planted for ornamental or landscaping purposes, cultivated crops, and areas significantly disturbed and predominantly covered by noxious, introduced plant species or weeds (e.g., Scotch broom, Himalayan blackberry or knap-weed).

NEW SECTION

WAC 173-340-7492 Simplified terrestrial ecological evaluation procedures. (1) Purpose.

(a) The simplified terrestrial ecological evaluation process is intended to identify those sites which do not have a substantial potential for posing a threat of significant adverse effects to terrestrial ecological receptors, and thus may be removed from further ecological consideration during the remedial investigation and cleanup process. For remaining sites, the process provides several options, including chemical concentrations that may be used as cleanup levels, and the choice of developing site-specific concentrations using bioassays or conducting a site-specific terrestrial ecological evaluation under WAC 173-340-7493.

(b) The process is structured with an intent to protect terrestrial wildlife at industrial or commercial sites, and terrestrial plants, soil biota and terrestrial wildlife at other sites, as provided under WAC 173-340-7490 (3)(b).

(c) The simplified terrestrial ecological evaluation procedures in subsection (2) of this section are organized to focus upon the extent of exposure, exposure pathways, and particular contaminants as key factors in evaluating ecological risk. The steps need not be followed in order, and any one step may be used to determine that no further evaluation is necessary to conclude that a site does not pose a substantial threat of significant adverse effects to terrestrial ecological receptors.

(d) If none of the simplified terrestrial ecological evaluation screening step conditions are met, the person conducting the evaluation may use the chemical concentration numbers listed in Table 749-2 as cleanup levels, or shall conduct

a site-specific terrestrial ecological evaluation under WAC 173-340-7493.

(2) Process for conducting a simplified terrestrial ecological evaluation.

(a) Exposure analysis. The evaluation may be ended at a site where:

(i) The total area of soil contamination at the site is not more than 350 square feet; or

(ii) Land use at the site and surrounding area makes substantial wildlife exposure unlikely. Table 749-1 shall be used to make this evaluation.

(b) Pathways analysis. The evaluation may be ended if there are no potential exposure pathways from soil contamination to soil biota, plants or wildlife. For a commercial or industrial property, only potential exposure pathways to wildlife (e.g., small mammals, birds) need be considered. Only exposure pathways for priority chemicals of ecological concern listed in Table 749-2 at or above the concentrations provided must be considered. Incomplete pathways may be due to the presence of man-made physical barriers, either currently existing or to be placed (within a time frame acceptable to the department) as part of a remedy or land use. To ensure that such man-made barriers are maintained, a restrictive covenant shall be required by the department under WAC 173-340-440 under a consent decree, agreed order or enforcement order, or as a condition to a written opinion regarding the adequacy of an independent remedial action under WAC 173-340-515(3).

(c) Contaminants analysis. The evaluation may be ended if either of the following are true:

(i) No hazardous substance listed in Table 749-2 for which a value is listed is, or will be, present in the soil at a depth not exceeding the point of compliance established under WAC 173-340-7490(4) and at concentrations higher than the values provided in Table 749-2, using the statistical compliance methods described in WAC 173-340-740(7). An institutional control is required if the contamination is within fifteen feet of the ground surface (see WAC 173-340-7490(4)(b)). If a hazardous substance listed in Table 749-2 does not have a value listed, then the requirements of (c)(ii) of this subsection must be met; or

(ii) No hazardous substance listed in Table 749-2 is, or will be, present in the soil within six feet of the ground surface at concentrations likely to be toxic, or with the potential to bioaccumulate, based on bioassays using methods approved by the department. An institutional control is required if the contaminant is within fifteen feet of the ground surface. If a hazardous substance listed in Table 749-2 does not have a value listed, then this subparagraph applies.

(3) **Institutional controls.** If any of the conditions listed above in subsection (2)(a)(ii) through (c) of this section are used to end the simplified terrestrial ecological evaluation, institutional controls may be needed to ensure that the condition will continue to be met in the future. Cleanup remedies that rely on chemical concentrations for industrial or commercial sites in Table 749-2 shall include appropriate institutional controls to prevent future exposure to plants or soil biota in the event of a change in land use.

NEW SECTION

WAC 173-340-7493 Site-specific terrestrial ecological evaluation procedures. (1) Purpose.

(a) This section sets forth the procedures for conducting a site-specific terrestrial ecological evaluation if any of the conditions specified in WAC 173-340-7491 (2)(a) apply to the site, or if the person conducting the evaluation elects to conduct a site-specific terrestrial ecological evaluation under this section, whether or not a simplified terrestrial ecological evaluation has been conducted under WAC 173-340-7492.

(b) In addition to the purposes specified in WAC 173-340-7490 (1)(a), the site-specific terrestrial ecological evaluation is intended to facilitate selection of a cleanup action by developing information necessary to conduct evaluations of cleanup action alternatives in the feasibility study.

(c) There are two elements in planning a site-specific terrestrial ecological evaluation. Both elements shall be done in consultation with the department and must be approved by the department. The two elements are:

(i) Completing the problem formulation step as required under subsection (2) of this section; and

(ii) Selecting one or more methods under subsection (3) of this section for addressing issues identified in the problem formulation step.

(d) After reviewing information developed in the problem formulation step, the department may at its discretion determine that selection of one or more methods for proceeding with the evaluation is not necessary by making either of the following decisions:

(i) No further site-specific terrestrial ecological evaluation is necessary because the cleanup action plans developed for the protection of human health will eliminate exposure pathways of concern to all of the soil contamination.

(ii) A simplified terrestrial ecological evaluation may be conducted under WAC 173-340-7492 because this evaluation will adequately identify and address any existing or potential threats to ecological receptors.

(2) Problem formulation step.

(a) To define the focus of the site-specific terrestrial ecological evaluation, identify issues to be addressed in the evaluation, specifying:

(i) **The chemicals of ecological concern.** The person conducting the evaluation may eliminate hazardous substances from further consideration where the maximum or the upper ninety-five percent confidence limit soil concentration found at the site does not exceed ecological indicator concentrations described in Table 749-3. For industrial or commercial land uses, only the wildlife values need to be considered. Any chemical that exceeds the ecological indicator concentrations shall be included as a chemical of ecological concern in the evaluation unless it can be eliminated based on the factors listed in WAC 173-340-708 (2)(b). (*Caution on the use of ecological indicator concentrations: These numbers are not cleanup levels, and concentrations that exceed the number do not necessarily require remediation.*)

(ii) **Exposure pathways.** Identify any complete potential pathways for exposure of plants or animals to the chemicals of concern. If there are no complete exposure pathways

then no further evaluation is necessary. Incomplete pathways may be due to the presence of man-made physical barriers, either currently existing or to be placed (within a time frame acceptable to the department) as part of a remedy or land use.

To ensure that such man-made barriers are maintained, a restrictive covenant shall be required by the department under WAC 173-340-440 under a consent decree, agreed order or enforcement order, or as a condition to a written opinion regarding the adequacy of an independent remedial action under WAC 173-340-515(3).

(iii) **Terrestrial ecological receptors of concern.** Identify current or potential future terrestrial species groups reasonably likely to live or feed at the site. Groupings should represent taxonomically related species with similar exposure characteristics. Examples of potential terrestrial species groups include: Vascular plants, ground-feeding birds, ground-feeding small mammal predators, and herbivorous small mammals.

(A) From these terrestrial species groups, select those groups to be included in the evaluation. If appropriate, individual terrestrial receptor species may also be included. In selecting species groups or individual species, the following shall be considered:

(I) Receptors that may be most at risk for significant adverse effects based on the toxicological characteristics of the chemicals of concern, the sensitivity of the receptor, and on the likely degree of exposure.

(II) Public comments.

(III) Species protected under applicable state or federal laws that may potentially be exposed to soil contaminants at the site.

(IV) Receptors to be considered under different land uses, described under WAC 173-340-7490 (3)(b).

(B) Surrogate species for which greater information is available, or that are more suitable for site-specific studies, may be used in the analysis when appropriate for addressing issues raised in the problem formulation step.

(iv) **Toxicological assessment.** Identify significant adverse effects in the receptors of concern that may result from exposure to the chemicals of concern, based on information from the toxicological literature.

(b) The following is an example of a site-specific issue developed in this step: Is dieldrin contamination a potential threat to reproduction in birds feeding on invertebrates and ingesting soil at the site? If so, what measures will eliminate any significant adverse effects?

(c) If there are identified information needs for remedy selection or remedial design, these should also be developed as issues for the problem formulation process.

(d) The use of assessment and measurement endpoints, as defined in USEPA *Ecological Risk Assessment Guidance for Superfund*, 1997, should be considered to clarify the logical structure of the site-specific terrestrial ecological evaluation under this chapter. Assessment endpoints shall be consistent with the policy objectives described in WAC 173-340-7490 (3)(b).

(3) **Selection of appropriate terrestrial ecological evaluation methods.** If it is determined during the problem formulation step that further evaluation is necessary, the soil

concentrations listed in Table 749-3 may be used as the cleanup level at the discretion of the person conducting the evaluation. Alternatively, one or more of the following methods listed in (a) through (g) of this subsection that are relevant to the issues identified in the problem formulation step and that meet the requirements of WAC 173-340-7490 (1)(a) shall be conducted. The alternative methods available for conducting a site-specific terrestrial ecological evaluation include the following:

(a) **Literature survey.** An analysis based on a literature survey shall be conducted in accordance with subsection (4) of this section and may be used for purposes including the following:

(i) Developing a soil concentration for chemicals not listed in Table 749-3.

(ii) Identifying a soil concentration for the protection of plants or soil biota more relevant to site-specific conditions than the value listed in Table 749-3.

(iii) Obtaining a value for any of the wildlife exposure model variables listed in Table 749-5 to calculate a soil concentration for the protection of wildlife more relevant to site-specific conditions than the values listed in Table 749-3.

(b) **Soil bioassays.**

(i) Bioassays may use sensitive surrogate organisms not necessarily found at the site provided that the test adequately addresses the issues raised in the problem formulation step. For issues where existing or potential threats to plant life are a concern, the test described in *Early Seedling Growth Protocol for Soil Toxicity Screening*. Ecology Publication No. 96-324 may be used. For sites where risks to soil biota are a concern, the test described in *Earthworm Bioassay Protocol for Soil Toxicity Screening*. Ecology Publication No. 96-327 may be used. Other bioassay tests approved by the department may also be used.

(ii) Soil concentrations protective of soil biota or plants may also be established with soil bioassays that use species ecologically relevant to the site rather than standard test species. Species that do or could occur at the site are considered ecologically relevant.

(c) **Wildlife exposure model.** Equations and exposure parameters to be used in calculating soil concentrations protective of terrestrial wildlife are provided in Tables 749-4 and 749-5. Changes to this model may be approved by the department under the following conditions:

(i) Alternative values for parameters listed in Table 749-5 may be used if they can be demonstrated to be more relevant to site-specific conditions (for example, the value is based on a chemical form of a hazardous substance actually present at the site). An alternative value obtained from the literature shall be supported by a literature survey conducted in accordance with subsection (4) of this section.

(ii) Receptor species of concern or exposure pathways identified in the problem formulation step may be added to the model if appropriate on a site-specific basis.

(iii) A substitution for one or more of the receptor species listed in Table 749-4 may be made under subsection (7) of this section.

(d) **Biomarkers.** Biomarker methods may be used if the measurements have clear relevance to issues raised in the

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problem formulation and the approach has a high probability of detecting a significant adverse effect if it is occurring at the site. The person conducting the evaluation may elect to use criteria such as biomarker effects that serve as a sensitive surrogate for significant adverse effects.

(e) **Site-specific field studies.** Site-specific empirical studies that involve hypothesis testing should use a conventional "no difference" null hypothesis (e.g., H_0 : Earthworm densities are the same in the contaminated area and the reference (control) area. H_A : Earthworm densities are higher in the reference area than in the contaminated area). In preparing a work plan, consideration shall be given to the adequacy of the proposed study to detect an ongoing adverse effect and this issue shall be addressed in reporting results from the study.

(f) **Weight of evidence.** A weight of evidence approach shall include a balance in the application of literature, field, and laboratory data, recognizing that each has particular strengths and weaknesses. Site-specific data shall be given greater weight than default values or assumptions where appropriate.

(g) **Other methods approved by the department.** This may include a qualitative evaluation if relevant toxicological data are not available and cannot be otherwise developed (e.g., through soil bioassay testing).

(4) **Literature surveys.**

(a) Toxicity reference values or soil concentrations established from the literature shall represent the lowest relevant LOAEL found in the literature. Bioaccumulation factor values shall represent a reasonable maximum value from relevant information found in the literature. In assessing relevance, the following principles shall be considered:

(i) Literature benchmark values should be obtained from studies that have test conditions as similar as possible to site conditions.

(ii) The literature benchmark values or toxicity reference values should correspond to the exposure route being assessed.

(iii) The toxicity reference value or bioaccumulation factor value shall be as appropriate as possible for the receptor being assessed. The toxicity reference value should be based on a significant endpoint, as described in subsection (2) of this section.

(iv) The literature benchmark value or toxicity reference value should preferably be based on chronic exposure.

(v) The literature benchmark value, toxicity reference value, or bioaccumulation factor should preferably correspond to the chemical form being assessed. Exceptions may apply for toxicity reference values where documented biological transformations occur following uptake of the chemical or where chemical transformations are known to occur in the environment under conditions appropriate to the site.

(b) A list of relevant journals and other literature consulted in the survey shall be provided to the department. A table summarizing information from all relevant studies shall be provided to the department in a report, and the studies used to select a proposed value shall be identified. Copies of literature cited in the table that are not in the possession of the department shall be provided with the report. The department

may identify relevant articles, books or other documents that shall be included in the survey.

(5) **Uncertainty analysis.** If a site-specific terrestrial ecological evaluation includes an uncertainty analysis, the discussion of uncertainty shall identify and differentiate between uncertainties that can and cannot be quantified, and natural variability. The discussion shall describe the range of potential ecological risks from the hazardous substances present at the site, based on the toxicological characteristics of the hazardous substances present, and evaluate the uncertainty regarding these risks. Potential methods for reducing uncertainty shall also be discussed, such as additional studies or post-remedial monitoring. If multiple lines of independent evidence have been developed, a weight of evidence approach may be used in characterizing uncertainty.

(6) **New scientific information.** The department shall consider proposals for modifications to default values provided in this section based on new scientific information in accordance with WAC 173-340-702 (14), (15) and (16).

(7) **Substitute receptor species.** Substitutions of receptor species and the associated values in the wildlife exposure model described in Table 749-4 may be made subject to the following conditions:

(a) There is scientifically supportable evidence that a receptor identified in Table 749-4 is not characteristic or a reasonable surrogate for a receptor that is characteristic of the ecoregion where the site is located. "Ecoregions" are defined using EPA's *Ecoregions of the Pacific Northwest* Document No. 600/3-86/033 July 1986 by Omernik and Gallant.

(b) The proposed substitute receptor is characteristic of the ecoregion where the site is located and will serve as a surrogate for wildlife species that are, or may become exposed to soil contaminants at the site. The selected surrogate shall be a species that is expected to be vulnerable to the effects of soil contamination relative to the current default species because of high exposure or known sensitivity to hazardous substances found in soil at the site.

(c) Scientific studies concerning the proposed substitute receptor species are available in the literature to select reasonable maximum exposure estimates for variables listed in Table 749-4.

(d) In choosing among potential substitute receptor species that meet the criteria in (b) and (c) of this subsection, preference shall be given to the species most ecologically similar to the default receptor being replaced.

(e) Unless there is clear and convincing evidence that they are not characteristic of the ecoregion where the site is located, the following groups shall be included in the wildlife exposure model: A small mammalian predator on soil-associated invertebrates, a small avian predator on soil-associated invertebrates, and a small mammalian herbivore.

(f) To account for uncertainties in the level of protection provided to substitute receptor species and toxicologically sensitive species, the department may require any of the following:

(i) Use of toxicity reference values based on no observed adverse effects levels.

(ii) Use of uncertainty factors to account for extrapolations between species in toxicity or exposure parameter values; or

(iii) Use of a hazard index approach for multiple contaminants to account for additive toxic effects.

NEW SECTION

WAC 173-340-7494 Priority contaminants of ecological concern. When the department determines that such measures are necessary to protect the environment, the department may revise the hazardous substances and corresponding concentrations included in Table 749-2, subject to the following:

(1) The data indicate a significant tendency of the hazardous substance to persist, bioaccumulate, or be highly toxic to terrestrial ecological receptors;

(2) The concentrations for hazardous substances listed in Table 749-2 shall be based on protection of wildlife for industrial and commercial land uses, and upon protection of plants and animals for other land uses.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-750 Cleanup standards to protect air quality. (1) General considerations.

(a) This section applies whenever it is necessary to establish air cleanup standards to determine if air emissions at a site pose a threat to human health or the environment. It applies to ambient (outdoor) air and air within any building, utility vault, manhole or other structure large enough for a person to fit into. This section does not apply to concentrations of hazardous substances in the air originating from an industrial or commercial process or operation or to hazardous substances in the air originating from an off-site source. This section does apply to concentrations of hazardous substances in the air originating from other contaminated media or a remedial action at the site. Air cleanup standards shall be established at the following sites:

(i) Where a nonpotable ground water cleanup level is being established for volatile organic compounds using a site-specific risk assessment under WAC 173-340-720(6).

(ii) Where a soil cleanup level that addresses vapors or dust is being established under WAC 173-340-740 or 173-340-745.

(iii) Where it is necessary to establish air emission limits for a remedial action.

(iv) At other sites as determined by the department.

(b) Cleanup levels to protect air quality shall be based on estimates of the reasonable maximum exposure expected to occur under both current and future site use conditions. The department has determined that residential site use will generally require the most protective ((ambient)) air cleanup levels and that exposure to hazardous substances under these conditions represents the reasonable maximum exposure. Air cleanup levels shall use this presumed exposure scenario and be established in accordance with subsection (3) of this section unless the site qualifies for a Method C air cleanup level. If a site qualifies for a Method C air cleanup level, sub-

section (4) of this section shall be used to establish air cleanup levels.

(c) In the event of a release or potential release of hazardous substances into the ((ambient)) air at a site at which this section applies under (a) of this subsection, ((treatment, removal, or containment measures shall be conducted to reduce the levels of hazardous substances in the ambient air to levels consistent with this use unless all of the following can be demonstrated:

(i) The site does not serve as a current residential area;

(ii) The site is not likely to become a residential area in the future based on a review of site zoning, statutory or regulatory restrictions, comprehensive plans, historic site use, adjacent land uses, and other relevant factors;

(iii) Appropriate institutional controls are implemented at the site to prohibit residential use; and

(iv) Air emissions from the site will not reduce the air quality in adjacent residential areas; or

(v) More stringent concentrations are necessary to protect human health and the environment.

(b) Ambient air cleanup levels for nonresidential site uses shall be established on a case-by-case basis. The overall limits on the hazard index and total excess cancer risk specified in subsections (3) through (5) of this section shall apply to these sites. Cleanup levels for these types of sites shall be at least as stringent as method C cleanup levels established under subsection (4) of this section)) a cleanup action that complies with this chapter shall be conducted to address all areas of the site where the concentration of the hazardous substances in the air exceeds cleanup levels.

((e) Ambient) (d) Air cleanup levels shall be established at concentrations ((which)) that do not directly or indirectly cause violations of ground water, surface water, or soil cleanup standards established under this chapter or applicable state and federal laws. A site that qualifies for a Method C air cleanup level under this section does not necessarily qualify for a Method C cleanup level in other media. Each medium must be evaluated separately using the criteria applicable to that medium.

(e) The department may require more stringent air cleanup standards than required by this section where, based on a site-specific evaluation, the department determines that this is necessary to protect human health and the environment. Any imposition of more stringent requirements under this provision shall comply with WAC 173-340-702 and 173-340-708.

(2) Method A air cleanup levels.

((a) Method A cleanup levels for ambient air shall be at least as stringent as concentrations established under applicable state and federal laws;

(b) The department may establish method A cleanup levels that are more stringent than those required by (a) of this subsection when, based on a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment.) This section does not provide procedures for establishing Method A cleanup levels. Method B or C, as appropriate, shall be used to establish air cleanup levels.

(3) Method B air cleanup levels.

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(a) Applicability. Method B air cleanup levels consist of standard and modified cleanup levels as described in this subsection. Either standard or modified Method B air cleanup levels may be used at any site.

(b) Standard Method B air cleanup levels. Standard Method B cleanup levels for ((ambient)) air shall be at least as stringent as all of the following:

(i) Applicable state and federal laws. Concentrations established under applicable state and federal laws; and

(ii) Human health protection. For hazardous substances for which sufficiently protective health-based criteria or standards have not been established under applicable state and federal laws, those concentrations which protect human health and the environment as determined by the following methods:

(A) Noncarcinogens. Concentrations ((which)) that are estimated to result in no acute or chronic toxic effects on human health and are determined using the following equation and standard exposure assumptions:

[Equation 750-1]

$$\text{((Ambient)) Air cleanup level (ug/m}^3\text{)} = \frac{\text{RfD} \times \text{ABW} \times \text{UCF} \times \text{HQ}}{\text{BR} \times \text{ABS}}$$

Where:

RfD = Reference dose as specified in WAC 173-340-708(7) (mg/kg-day)

ABW = Average body weight (16 kg)

UCF = Unit((s)) conversion factor (1,000 ug/mg)

BR = Breathing rate (10 m³/day)

ABS = Inhalation absorption ((percentage)) fraction (1.0) (unitless)

HQ = Hazard quotient (1)((;)) (unitless)

(B) Carcinogens. For known or suspected carcinogens, concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to ((1 in 1,000,000)) one in one million (1 x 10⁻⁶) and are determined using the following equation and standard exposure assumptions:

[Equation 750-2]

$$\text{((Ambient)) Air cleanup level (ug/m}^3\text{)} = \frac{\text{RISK} \times \text{ABW} \times \text{LIFE} \times \text{UCF}}{\text{CPF} \times \text{BR} \times \text{ABS} \times \text{DUR}}$$

Where:

RISK = Acceptable cancer risk level (1 in 1,000,000) (unitless)

ABW = Average body weight (70 kg)

LIFE = Lifetime (75 years)

UCF = Unit((s)) conversion factor (1,000 ug/mg)

CPF = Carcinogenic potency factor as specified in WAC 173-340-708(8) (kg-day/mg)

BR = Breathing rate (20 m³/day)

ABS = Inhalation absorption ((percentage)) fraction (1.0) (unitless)

DUR = Duration of exposure (30 years)((;))

~~(b) The department may establish method B cleanup levels that are more stringent than those required by (a) of this~~

~~subsection, when, based on a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment.))~~

(C) Petroleum mixtures. For noncarcinogenic effects of petroleum mixtures, a total petroleum hydrocarbon cleanup level shall be calculated using Equation 750-1 and by taking into account the additive effects of the petroleum fractions and volatile organic compounds present in the petroleum mixture. Cleanup levels for other noncarcinogens and known or suspected carcinogens within the petroleum mixture shall be calculated using Equations 750-1 and 750-2. See Table 830-1 for the analyses required for various petroleum products to use this method.

(iii) Lower explosive limit limitation. Standard Method B air cleanup levels shall not exceed ten percent (10%) of the lower explosive limit for any hazardous substance or mixture of hazardous substances.

(c) Modified Method B air cleanup levels. Modified Method B air cleanup levels are standard Method B air cleanup levels modified with chemical-specific or site-specific data. When making these adjustments, the resultant cleanup levels shall meet applicable state and federal laws, health risk levels and explosive limit limitations required for standard Method B air cleanup levels. Changes to exposure assumptions must comply with WAC 173-340-708(10). The following adjustments may be made to the default assumptions in the standard Method B equations to derive modified Method B cleanup levels:

(i) The inhalation absorption percentage may be modified if the requirements of WAC 173-340-702 (14), (15), (16) and WAC 173-340-708(10) are met;

(ii) Adjustments to the reference dose and cancer potency factor may be made if the requirements in WAC 173-340-708 (7) and (8) are met;

(iii) The toxicity equivalency factor procedures described in WAC 173-340-708(8) may be used for assessing the potential carcinogenic risk of mixtures of chlorinated dibenzo-p-dioxins, chlorinated dibenzofurans and polycyclic aromatic hydrocarbons;

(iv) Modifications incorporating new science as provided for in WAC 173-340-702 (14), (15) and (16); and

(d) Using modified Method B to evaluate air remediation levels. In addition to the adjustments allowed under subsection (3)(c) of this section, adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357 and 173-340-708 (3)(d) and (10)(b).

(4) Method C air cleanup levels.

(a) Applicability. Method C air cleanup levels consist of standard and modified cleanup levels as described in this subsection. Method C air cleanup levels may be approved by the department if the person undertaking the cleanup action can demonstrate that ((such levels are consistent with applicable state and federal laws, that best available control technology has been utilized, and that one or more of the conditions in WAC 173-340-707(1) exist)) the site qualifies for use of Method C under WAC 173-340-706(1).

(b) Standard Method C air cleanup levels. Standard Method C air cleanup levels for ambient air shall be at least as stringent as all of the following:

(i) Applicable state and federal laws. Concentrations established under applicable state and federal laws; ~~((and))~~

(ii) Human health protection. For hazardous substances for which sufficiently protective health-based criteria or standards have not been established under applicable state and federal laws, ~~((those))~~ concentrations ~~((which))~~ that protect human health and the environment as determined by the following methods:

(A) Noncarcinogens. Concentrations ~~((which))~~ that are anticipated to result in no significant acute or chronic effects on human health and are estimated in accordance with ~~((WAC 173-340-750 (3)(a)(ii)(A)))~~ Equation 750-1 except that the average body weight shall be 70 kg and the estimated breathing rate shall be 20 m³/day; ~~((and))~~

(B) Carcinogens. For known or suspected carcinogens, concentrations for which the upper bound on the estimated excess cancer risk is less than or equal to ~~((1 in 100,000))~~ one in one hundred thousand (1 x 10⁻⁵) and are determined in accordance with ~~((WAC 173-340-750 (3)(a)(ii)(B)))~~ Equation 750-2.

~~((e))~~ The department may establish method C cleanup levels that are more stringent than those required by (b) of this subsection, when, based on a site-specific evaluation, the department determines that such levels are necessary to protect human health and the environment.

(5) Multiple hazardous substances/multiple pathways of exposure.

(a) Petroleum mixtures. Cleanup levels for petroleum mixtures shall be calculated as specified in subsection (3)(b)(ii)(C) of this section, except that the average body weight shall be 70 kg and the estimated breathing rate shall be 20m³/day.

(iii) Lower explosive limit limitation. Standard Method C air cleanup levels shall not exceed ten percent (10%) of the lower explosive limit for any hazardous substance or mixture of hazardous substances.

(c) Modified Method C air cleanup levels. Modified Method C air cleanup levels are standard Method C air cleanup levels modified with chemical-specific or site-specific data. The same limitations and adjustments specified in subsection (3)(c) of this section apply to modified Method C cleanup levels.

(d) Using modified Method C to evaluate air remediation levels. In addition to the adjustments allowed under subsection (4)(c) of this section, adjustments to the reasonable maximum exposure scenario or default exposure assumptions are allowed when using a quantitative site-specific risk assessment to evaluate the protectiveness of a remedy. See WAC 173-340-355, 173-340-357 and 173-340-708 (3)(d) and (10)(b).

(5) Adjustments to air cleanup levels.

(a) Total site risk adjustments. Air cleanup levels for individual hazardous substances developed in accordance with subsections (3) and (4) of this section, including cleanup levels based on applicable state and federal laws, shall be adjusted downward to take into account exposure to multiple hazardous substances and/or exposure resulting from more

than one pathway of exposure. These adjustments need to be made only if, without these adjustments, the hazard index would exceed one (1) or the total excess cancer risk would exceed one in one hundred thousand (1 x 10⁻⁵). These adjustments shall be made in accordance with the procedures in WAC 173-340-708 (5) and (6). In making these adjustments, the hazard index shall not exceed one (1) and the total excess cancer risk shall not exceed one in one hundred thousand (1 x 10⁻⁵).

(b) ~~((These overall limits on the hazard index and total excess cancer risk shall also apply to sites where there is exposure to a single hazardous substance by one exposure pathway, including those cleanup levels based on applicable state and federal laws.))~~ Adjustments to applicable state and federal laws. Where a cleanup level developed under subsection (3) or (4) of this section is based on an applicable state or federal law and the level of risk upon which the standard is based exceeds an excess cancer risk of one in one hundred thousand (1 x 10⁻⁵) or a hazard index of one (1), the cleanup level must be adjusted downward so that the total excess cancer risk does not exceed one in one hundred thousand (1 x 10⁻⁵) and the hazard index does not exceed one (1) at the site.

(c) Natural background and PQL considerations. Cleanup levels determined under subsection (3) or (4) of this section, including cleanup levels adjusted under (a) or (b) of this subsection, shall not be set at levels below the practical quantitation limit or natural background. See WAC 173-340-709 and 173-340-707 for additional requirements pertaining to practical quantitation limits and natural background.

(6) Points of compliance. Cleanup levels established under ~~((subsections (2), (3), (4), and (5) of))~~ this section shall be attained in the ambient air throughout the site. ~~((For sites determined to be industrial sites under the criteria in WAC 173-340-745, the department may approve a conditional point of compliance not to exceed the property boundary.))~~

(7) Compliance monitoring.

(a) Where air cleanup levels have been established at a site, monitoring may be required to be conducted to determine if compliance with the air cleanup levels has been achieved. Sampling and analytical procedures shall be defined in a compliance monitoring plan prepared under WAC 173-340-410. The sample design shall provide data ~~((which))~~ that are representative of the site.

(b) Data analysis and evaluation procedures used to evaluate compliance with ((ambient)) air cleanup levels shall be defined in a compliance monitoring plan prepared under WAC 173-340-410.

(c) Averaging times specified in applicable state and federal laws shall be used to demonstrate compliance with those requirements.

(d) When cleanup levels are not based on applicable state and federal laws, the following averaging times shall be used:

(i) Compliance with ((ambient)) air cleanup levels for noncarcinogens shall be based on twenty-four-hour time weighted averages except where the cleanup level is based upon an inhalation reference dose which specifies an alternate averaging time;

(ii) Compliance with ((ambient)) air cleanup levels for carcinogens shall be based on annual average concentrations.

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

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-760 Sediment cleanup standards. ~~((Reserved.))~~ In addition to complying with the requirements in this chapter, sediment cleanup actions conducted under this chapter must comply with the requirements of chapter 173-204 WAC.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-800 Property access. (1) Normal entry procedures. Whenever there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents or contractors may, after reasonable notice, enter upon any real property, public or private, to conduct investigations or remedial actions. The notice shall briefly describe the reason for requesting access. For the purpose of this subsection, unless earlier access is granted, reasonable notice shall mean:

(a) Written notice to the site owner and operator to the extent known to the department, sent through the United States Postal Service at least three days ~~((prior to))~~ before entry; or

(b) Notice to the site owner and operator to the extent known to the department, in person or by telephone at least twenty-four hours ~~((prior to))~~ before entry.

(2) Notification of property owner. The department ~~((with))~~ shall ask a resident, occupant, or other persons in custody of the site to identify the name and address of owners of the property. If an owner is identified who has not been previously notified, the department ~~((with))~~ shall make a prompt and reasonable effort to notify such owners of remedial actions planned or conducted.

(3) Orders and consent decrees. Whenever investigations or remedial actions are conducted under a ~~((consent))~~ decree or order, a potentially liable person shall not deny access to the department's authorized employees, agents, or contractors to enter and move freely about the property to oversee and verify investigations and remedial actions being performed.

(4) Ongoing operations. Persons gaining access under this section shall take all reasonable precautions to avoid disrupting the ongoing operations on a site. Such persons shall comply with all state and federal safety and health requirements ~~((which))~~ that the department determines to be applicable.

(5) Access to documents. The department's authorized employees, agents or contractors may, after reasonable notice, enter property for the purpose of inspecting documents relating to a release or threatened release at the facility. Persons maintaining such documents shall:

(a) Provide access during normal business hours and allow the department to copy these documents; or

(b) At the department's request, provide legible copies of the requested documents to the department.

(6) Emergency entry. Notice by the department's authorized employees, agents, or contractors is not required for entry onto property to investigate, mitigate, or abate an emergency posed by the release or threatened release of a hazardous substance. The department will make efforts ~~((which))~~ that are reasonable under the circumstances to promptly notify those owners and operators to the extent known to the department of the actions taken.

(7) Other authorities. Where consent has not been obtained for entry, the department shall secure access in a manner consistent with state and federal law, including compliance with any warrant requirements. Nothing in this chapter shall affect site access authority granted under other state laws and regulations.

(8) Access by potentially liable persons. The department shall make reasonable efforts to facilitate access to real property and documents for persons who are conducting remedial actions under either an order or decree.

(9) Information sharing. The department will provide the documents and factual information on releases or threatened releases obtained through this section to persons who request such in accordance with chapter 42.17 RCW and chapter 173-03 WAC. The department does not intend application of these authorities to limit its sharing of such factual information.

(10) Split samples. Whenever the department intends to perform sampling at a site, it shall indicate in its notification under subsection (1) of this section whether sampling may occur. The person receiving notice may take split samples, provided this does not interfere with the department's sampling.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-810 Worker safety and health. (1) General provisions. Requirements under the Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651 et seq.) and the Washington Industrial Safety and Health Act (chapter 49.17 RCW), and regulations promulgated pursuant thereto shall be applicable to remedial actions taken under this chapter. These requirements are subject to enforcement by the designated federal and state agencies. All governmental agencies and private employers are directly responsible for the safety and health of their own employees and compliance with those requirements. Actions taken by the department under this chapter do not constitute an exercise of statutory authority within the meaning of section (4)(b)(1) of the Occupational Safety and Health Act.

(2) Safety and health plan. ~~((Potentially liable))~~ Persons responsible for undertaking remedial actions under ~~((WAC 173-340-520 through 173-340-540.))~~ this chapter shall ((submit a safety and health plan)) prepare a health and safety plan when required by chapter 296-62 WAC. Plans prepared under an order or decree shall be submitted for the department's review and comment. The safety and health plan must be consistent with chapter 49.17 RCW and regulations ((promulgated pursuant thereto)) adopted under that authority.

PROPOSED

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-820 Sampling and analysis plans. (1) ~~((General:))~~ Purpose. A sampling and analysis plan ~~((shall be prepared for all sampling activities which are part of investigation and remedial actions unless otherwise directed by the department and except for emergencies. The level of detail required in the sampling and analysis plan may vary with the scope and purpose of the sampling activity. Sampling and analysis plans prepared under an order or decree shall be submitted to the department for review and approval))~~ is a document that describes the sample collection, handling, and analysis procedures to be used at a site.

(2) ~~((Contents: The))~~ General requirements. A sampling and analysis plan shall ~~((specify procedures which ensure that sample collection, handling, and analysis will result in data of sufficient quality to plan and evaluate remedial actions at the site. Additionally, information necessary to insure proper planning and implementation of sampling activities shall be included. References to standard protocols or procedures manuals may be used provided the information referenced is readily available to the department. The sampling and analysis plan shall contain:~~

(a) A statement on the purpose and objectives of the data collection, including quality assurance and quality control requirements;

(b) Organization and responsibilities for the sampling and analysis activities;

(c) Requirements for sampling activities including:

(i) Project schedule;

(ii) Identification and justification of location and frequency of sampling;

(iii) Identification and justification of parameters to be sampled and analyzed;

(iv) Procedures for installation of sampling devices;

(v) Procedures for sample collection and handling, including procedures for personnel and equipment decontamination;

(vi) Procedures for the management of waste materials generated by sampling activities, including installation of monitoring devices, in a manner that is protective of human health and the environment;

(vii) Description and number of quality assurance and quality control samples, including blanks and spikes;

(viii) Protocols for sample labeling and chain of custody; and

(ix) Provisions for splitting samples, where appropriate.

(d) Procedures for analysis of samples and reporting of results, including:

(i) Detection or quantification limits;

(ii) Analytical techniques and procedures;

(iii) Quality assurance and quality control procedures; and

(iv) Data reporting procedures, and where appropriate, validation procedures)) be prepared for all sampling activities that are part of an investigation or a remedial action unless otherwise directed by the department and except for emergencies. The level of detail required in the sampling and analysis plan may vary with the scope and purpose of the

sampling activity. Sampling and analysis plans prepared under an order or decree shall be submitted to the department for review and approval.

(3) ~~((Available guidance. The department shall make available guidance for preparation of sampling and analysis plans.))~~ Contents. The sampling and analysis plan shall specify procedures, that ensure sample collection, handling, and analysis will result in data of sufficient quality to plan and evaluate remedial actions at the site. Additionally, information necessary to ensure proper planning and implementation of sampling activities shall be included. References to standard protocols or procedures manuals may be used provided the information referenced is readily available to the department. The sampling and analysis plan shall contain:

(a) A statement on the purpose and objectives of the data collection, including quality assurance and quality control requirements;

(b) Organization and responsibilities for the sampling and analysis activities;

(c) Requirements for sampling activities including:

(i) Project schedule;

(ii) Identification and justification of location and frequency of sampling;

(iii) Identification and justification of parameters to be sampled and analyzed;

(iv) Procedures for installation of sampling devices;

(v) Procedures for sample collection and handling, including procedures for personnel and equipment decontamination;

(vi) Procedures for the management of waste materials generated by sampling activities, including installation of monitoring devices, in a manner that is protective of human health and the environment;

(vii) Description and number of quality assurance and quality control samples, including blanks and spikes;

(viii) Protocols for sample labeling and chain of custody; and

(ix) Provisions for splitting samples, where appropriate.

(d) Procedures for analysis of samples and reporting of results, including:

(i) Detection or quantitation limits;

(ii) Analytical techniques and procedures;

(iii) Quality assurance and quality control procedures; and

(iv) Data reporting procedures, and where appropriate, validation procedures.

The department shall make available guidance for preparation of sampling and analysis plans.

AMENDATORY SECTION (Amending WSR 91-04-019, filed 1/28/91, effective 2/28/91)

WAC 173-340-830 Analytical procedures. (1) Purpose. This section specifies acceptable analytical methods and other testing requirements for sites where remedial action is being conducted under this chapter.

(2) General requirements.

(a) All hazardous substance analyses shall be conducted by a laboratory accredited under chapter 173-50 WAC, unless otherwise approved by the department.

PROPOSED

(b) All analytical procedures used shall be ~~((done))~~ conducted in accordance with a sampling and analysis plan prepared under WAC 173-340-820.

(c) Tests for which methods have not been specified in this section shall be performed using standard methods or procedures such as those specified by the American Society for Testing of Materials, when available, unless otherwise approved by the department.

(d) Samples shall be analyzed consistent with methods appropriate for the site, the media being analyzed, the hazardous substances being analyzed for, and the anticipated use of the data.

(e) The department may require or approve modifications to the standard analytical methods identified in subsection ~~((4))~~ (3) of this section to provide lower quantitation limits, improved accuracy, greater precision, or to address the factors in (d) of this subsection.

(f) Limits of quantitation. Laboratories shall achieve the lowest practical quantitation limits consistent with the selected method and WAC 173-340-707.

~~((3))~~ Multiple methods.

~~((a))~~ (g) Where there is more than one method specified in subsection ~~((4))~~ (3) of this section with a practical quantitation limit less than the cleanup standard, any of the methods may be selected. In these situations, considerations in selecting a particular method may include confidence in the data, analytical costs, and considerations relating to quality assurance or analysis efficiencies.

~~((b))~~ (h) The department may require an analysis to be conducted by more than one method in order to provide higher data quality. For example, the department may require that different separation and detection techniques be used to verify the presence of a hazardous substance ("qualification") and determine the concentration of the hazardous substance ("quantitation").

~~((4))~~ (i) The minimum testing requirements for petroleum contaminated sites are identified in Table 830-1.

(3) Analytical methods.

(a) The methods used for sample collection, sample preservation, transportation, allowable time before analysis, sample preparation, analysis, method detection limits, practical quantitation limits, quality control, quality assurance and other technical requirements and specifications shall comply with the following requirements, as applicable:

(i) Method 1. Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, U.S. EPA, SW-846 ~~((and any revisions or amendments thereto))~~, fourth update (2000);

(ii) Method 2. ~~((Methods for Chemical Analysis of Water and Wastes, U.S. EPA, EPA 600/4-79-020 and any revisions or amendments thereto;~~

~~((iii) Method 3.))~~ Guidelines Establishing Test Procedures for the Analysis of Pollutants ((Under the Clean Water Act)), 40 ((CFR)) C.F.R. Chapter 1, Part 136, and ((Appendix A, B, and C, U.S. EPA and any revisions or amendments thereto)) Appendices A, B, C, and D, U.S. EPA, July 1, 1999;

~~((iv))~~ (iii) Method ((4.)) 3. Standard Methods for the Examination of Water and Wastewater, American Public

Health Association, American Water Works Association, and Water Pollution Control Federation ~~((and any revisions or amendments thereto))~~, 20th edition, 1998;

~~((v))~~ (iv) Method ((5.)) 4. Recommended Protocols for Measuring Selected Environmental Variables in Puget Sound, Puget Sound Estuary Program/Tetra Tech, ((1986 and any revisions or amendments thereto)) 1996 edition;

~~((vi))~~ (v) Method ((6.)) 5. Quality Assurance Interim Guidelines for Water Quality Sampling and Analysis, Ground Water Management Areas Program, Washington Department of Ecology, Water Quality Investigations Section, December 1986 ((and any revisions or amendments thereto; or));

~~((vii))~~ (vi) Method 6. Analytical Methods for Petroleum Hydrocarbons, Ecology publication #ECY 97-602, June 1997; or

(vii) Equivalent methods subject to approval by the department.

(b) The methods used for a particular hazardous substance at a site shall be selected in consideration of the factors in subsection (2) of this section.

(c) Ground water. Methods 1, 2, 3 and 4, as described in (a) of this subsection, may be used to determine compliance with WAC 173-340-720.

(d) Surface water. Methods 1, 2, 3, 4 and 5 as described in (a) of this subsection, may be used to determine compliance with WAC 173-340-730.

(e) Soil. Method 1, as described in (a) of this subsection, may be used to determine compliance with WAC 173-340-740 and 173-340-745.

(f) Air. Appropriate methods for determining compliance with WAC 173-340-750 shall be selected on a case-by-case basis, in consideration of the factors in subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-840 General submittal requirements.

Unless otherwise specified by the department, all reports, plans, specifications, and similar information submitted under this chapter shall meet the following requirements:

(1) Cover letter. Include a letter describing the submittal and specifying the desired department action or response.

(2) Number of copies. Three copies of the plan or report shall be submitted to the department's office responsible for the facility. The department may require additional copies to meet public participation and interagency coordination needs.

(3) Certification. Except as otherwise provided for in RCW 18.43.130, all engineering work submitted under this chapter shall be under the seal of a professional engineer registered with the state of Washington.

(4) Visuals. Maps, figures, photographs, and tables to clarify information or conclusions shall be legible. All maps, plan sheets, drawings, and cross-sections shall meet the following requirements:

NEW SECTION

WAC 173-340-900 Tables.

Table 720-1

Method A Cleanup Levels for Ground Water.^a

Hazardous Substance	CAS Number	Cleanup Level
Arsenic	7440-38-2	5 ug/liter ^b
Benzene	71-43-2	5 ug/liter ^c
Benzo(a)pyrene	50-32-8	0.1 ug/liter ^d
Cadmium	7440-43-9	5 ug/liter ^e
Chromium (Total)	7440-47-3	50 ug/liter ^f
DDT	50-29-3	0.3 ug/liter ^g
1,2 Dichloroethane (EDC)	107-06-2	5 ug/liter ^h
Ethylbenzene	100-41-4	700 ug/liter ⁱ
Ethylene dibromide (EDB)	106-93-4	0.01 ug/liter ^j
Gross Alpha Particle Activity		15 pCi/liter ^k
Gross Beta Particle Activity		4 mrem/yr ^l
Lead	7439-92-1	15 ug/liter ^m
Lindane	58-89-9	0.2 ug/liter ⁿ
Methylene chloride	75-09-2	5 ug/liter ^o
Mercury	7439-97-6	2 ug/liter ^p
MTBE	1634-04-4	20 ug/liter ^q
Naphthalenes	91-20-3	160 ug/liter ^r
PCB mixtures		0.1 ug/liter ^s
Radium 226 and 228		5 pCi/liter ^t
Radium 226		3 pCi/liter ^u
Tetrachloroethylene	127-18-4	5 ug/liter ^v
Toluene	108-88-3	1,000 ug/liter ^w
Total Petroleum Hydrocarbons ^x		
[Note: Must also test for and meet cleanup levels for other petroleum components—see footnotes!]		
Gasoline Range Organics		
Benzene present in ground water		800 ug/liter
No detectable benzene in ground water		1,000 ug/liter
Diesel Range Organics		
Heavy Oils		500 ug/liter
Mineral Oil		1,000 ug/liter
1,1,1 Trichloroethane	71-55-6	200 ug/liter ^y
Trichloroethylene	79-01-5	5 ug/liter ^z
Vinyl chloride	75-01-4	0.2 ug/liter ^{aa}
Xylenes	1330-20-7	1,000 ug/liter ^{bb}

Footnotes:

a Caution on misusing this table. This table has been developed for specific purposes. It is intended to provide conservative cleanup levels for drinking water beneficial uses at sites undergoing routine cleanup actions or those sites with relatively few hazardous substances. This table may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in this table should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in this table do not necessarily mean the ground water must be restored to those levels at all sites. The level of restoration depends on the remedy selected under WAC 173-340-350 through 173-340-390.

PROPOSED

(a) To facilitate filing and handling, be on paper no larger than 24 x 36 inches and no smaller than 8 1/2 x 11 inches. Photo-reduced copies of plan sheets may be submitted provided at least one full-sized copy of the photo-reduced sheets are included in the submittal.

(b) Identify and use appropriate and consistent scales to show all required details in sufficient clarity.

(c) Be numbered, titled, have a legend of all symbols used, and specify drafting or origination dates.

(d) Contain a north arrow.

(e) Use United States Geological Survey datum as a basis for all elevations.

(f) For planimetric views, show a survey grid based on monuments established in the field and referenced to state plane coordinates. This requirement does not apply to conceptual diagrams or sketches when the exact location of items shown is not needed to convey the necessary information.

(g) Where grades are to be changed, show original topography in addition to showing the changed site topography. This requirement does not apply to conceptual diagrams or sketches where before and after topography is not needed to convey the necessary information.

(h) For cross-sections, identify the location and be cross-referenced to the appropriate planimetric view. A reduced diagram of a cross-section location map shall be included on the sheets with the cross-sections.

(5) Sampling data. All sampling data shall be submitted consistent with procedures specified by the department. Unless otherwise specified by the department, all such sampling data shall be submitted in both printed form and an electronic form capable of being transferred into the department's data management system.

(6) Appendix. An appendix providing the principal information relied upon in preparation of the submittal. This should include, for example: A complete citation of references; applicable raw data; a description of, or where readily available, reference to testing and sampling procedures used; relevant calculations; and any other information needed to facilitate review.

AMENDATORY SECTION (Amending WSR 90-08-086, filed 4/3/90, effective 5/4/90)

WAC 173-340-850 Recordkeeping requirements. (1)

Any remedial actions at a facility must be documented with adequate records. Such records may include: Factual information or data; relevant decision documents; and any other relevant, site-specific documents or information.

(2) Unless otherwise required by the department, records shall be retained for at least ten years from the date of completion of compliance monitoring or as long as any institutional controls (including land use restrictions) remain in effect, whichever is longer.

(3) Records shall be retained by the person taking remedial action, unless the department requires that person to submit the records to the department.

(4) The department shall maintain its records in accordance with chapter 42.17 RCW.

PROPOSED

- b **Arsenic.** Cleanup level based on background concentrations for state of Washington.
- c **Benzene.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- d **Benzo(a)pyrene.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61), adjusted to a 1×10^{-5} risk. This value may also be used as the total concentration that all carcinogenic PAHs must meet using the toxicity equivalency methodology in WAC 173-340-708(8).
- e **Cadmium.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.62).
- f **Chromium (Total).** Cleanup level based on concentration derived using Equation 720-1 for hexavalent chromium. This is a total value for chromium III and chromium VI. If just chromium III is present at the site, a cleanup level of 100 ug/l may be used (based on WAC 246-290-310 and 40 C.F.R. 141.62).
- g **DDT (dichlorodiphenyltrichloroethane).** Cleanup levels based on concentration derived using Equation 720-2.
- h **1,2 Dichloroethane (ethylene dichloride or EDC).** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- i **Ethylbenzene.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- j **Ethylene dibromide (1,2 dibromoethane or EDB).** Cleanup level based on concentration derived using Equation 720-2, adjusted for the practical quantitation limit.
- k **Gross Alpha Particle Activity, excluding uranium.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.15).
- l **Gross Beta Particle Activity, including gamma activity.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.15).
- m **Lead.** Cleanup level based on applicable state and federal law (40 C.F.R. 141.80).
- n **Lindane.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- o **Methylene chloride (dichloromethane).** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- p **Mercury.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.62).
- q **Methyl tertiary-butyl ether (MTBE).** Cleanup level based on federal drinking water advisory level (EPA-822-F-97-009, December 1997).
- r **Naphthalenes.** Cleanup level based on concentration derived using Equation 720-1. This is a total value for naphthalene, 1-methyl naphthalene and 2-methyl naphthalene.
- s **PCB mixtures.** Cleanup level based on concentration derived using Equation 720-2, adjusted for the practical quantitation limit. This cleanup level is a total value for all PCBs.
- t **Radium 226 and 228.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.15).
- u **Radium 226.** Cleanup level based on applicable state law (WAC 246-290-310).
- v **Tetrachloroethylene.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- w **Toluene.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- x **Total Petroleum Hydrocarbons (TPH).** TPH cleanup values have been provided for the most common petroleum products encountered at contaminated sites. Where there is a mixture of products or the product composition is unknown, samples must be tested using both the NWTPH-Gx and NWTPH-Dx methods and the lowest applicable TPH cleanup level must be met.
- **Gasoline range organics** means organic compounds measured using method NWTPH-Gx. Examples are aviation and automotive gasoline. The cleanup level is based on protection of ground water for noncarcinogenic effects during drinking water use. Two cleanup levels are provided. The higher value is based on the assumption that no benzene is present in the ground water sample. If any detectable amount of benzene is present in the ground water sample, the lower TPH cleanup level must be used. No interpolation between these cleanup levels is allowed. The ground water cleanup level for any carcinogenic components of

the petroleum [such as benzene, EDB and EDC] and any noncarcinogenic components [such as ethylbenzene, toluene, xylenes and MTBE], if present at the site, must also be met. See Table 830-1 for the minimum testing requirements for gasoline releases.

- **Diesel range organics** means organic compounds measured using NWTPH-Dx. Examples are diesel, kerosene, and #1 and #2 heating oil. The cleanup level is based on protection from noncarcinogenic effects during drinking water use. The ground water cleanup level for any carcinogenic components of the petroleum [such as benzene and PAHs] and any noncarcinogenic components [such as ethylbenzene, toluene, xylenes and naphthalenes], if present at the site, must also be met. See Table 830-1 for the minimum testing requirements for diesel releases.
- **Heavy oils** means organic compounds measured using NWTPH-Dx. Examples are #6 fuel oil, bunker C oil, hydraulic oil and waste oil. The cleanup level is based on protection from noncarcinogenic effects during drinking water use, assuming a product composition similar to diesel fuel. The ground water cleanup level for any carcinogenic components of the petroleum [such as benzene, PAHs and PCBs] and any noncarcinogenic components [such as ethylbenzene, toluene, xylenes and naphthalenes], if present at the site, must also be met. See Table 830-1 for the minimum testing requirements for heavy oil releases.
- **Mineral oil** means non-PCB mineral oil, typically used as an insulator and coolant in electrical devices such as transformers and capacitors measured using NWTPH-Dx. The cleanup level is based on protection from noncarcinogenic effects during drinking water use. Sites using this cleanup level must analyze ground water samples for PCBs and meet the PCB cleanup level in this table unless it can be demonstrated that: (1) The release originated from an electrical device manufactured after July 1, 1979; or (2) oil containing PCBs was never used in the equipment suspected as the source of the release; or (3) it can be documented that the oil released was recently tested and did not contain PCBs. Method B (or Method C, if applicable) must be used for releases of oils containing greater than 50 ppm PCBs. See Table 830-1 for the minimum testing requirements for mineral oil releases.
- y **1,1,1 Trichloroethane.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- z **Trichloroethylene.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61).
- aa **Vinyl chloride.** Cleanup level based on applicable state and federal law (WAC 246-290-310 and 40 C.F.R. 141.61), adjusted to a 1×10^{-5} risk.
- bb **Xylenes.** Cleanup level based on xylene not exceeding the maximum allowed cleanup level for total petroleum hydrocarbons and on prevention of adverse aesthetic characteristics. This is a total value for all xylenes.

Table 740-1
Method A Soil Cleanup Levels for Unrestricted Land Uses.^a

Hazardous Substance	CAS Number	Cleanup Level
Arsenic	7440-38-2	20 mg/kg ^b
Benzene	71-43-2	0.03 mg/kg ^c
Benzo(a)pyrene	50-32-8	0.1 mg/kg ^d
Cadmium	7440-43-9	2 mg/kg ^e
Chromium		
Chromium VI	18540-29-9	19 mg/kg ^{f1}
Chromium III	16065-83-1	2,000 mg/kg ^{f2}
DDT	50-29-3	3 mg/kg ^g
Ethylbenzene	100-41-4	6 mg/kg ^h
Ethylene dibromide (EDB)	106-93-4	0.005 mg/kg ⁱ
Lead	7439-92-1	250 mg/kg ^j
Lindane	58-89-9	0.01 mg/kg ^k
Methylene chloride	75-09-2	0.02 mg/kg ^l

Hazardous Substance	CAS Number	Cleanup Level
Mercury (inorganic)	7439-97-6	2 mg/kg ^m
MTBE	1634-04-4	0.1 mg/kg ^a
Naphthalenes	91-20-3	5 mg/kg ^o
PCB Mixtures		1 mg/kg ^p
Tetrachloroethylene	127-18-4	0.05 mg/kg ^q
Toluene	108-88-3	7 mg/kg ^r
Total Petroleum Hydrocarbons ^s		
[Note: Must also test for and meet cleanup levels for other petroleum components—see footnotes!]		
Gasoline Range Organics		
Gasoline mixtures without benzene and consisting of no more than 20% aromatic hydrocarbons between EC 8 and EC 16		100 mg/kg
All other gasoline mixtures		30 mg/kg
Diesel Range Organics		2,000 mg/kg
Heavy Oils		2,000 mg/kg
Mineral Oil		4,000 mg/kg
1,1,1 Trichloroethane	71-55-6	2 mg/kg ^t
Trichloroethylene	79-01-5	0.03 mg/kg ^u
Xylenes	1330-20-7	9 mg/kg ^v

Footnotes:

- a **Caution on misusing this table.** This table has been developed for specific purposes. It is intended to provide conservative cleanup levels for sites undergoing routine cleanup actions or for sites with relatively few hazardous substances, and the site qualifies under WAC 173-340-7491 for an exclusion from conducting a simplified or site-specific terrestrial ecological evaluation, or it can be demonstrated using a terrestrial ecological evaluation under WAC 173-340-7492 or 173-340-7493 that the values in this table are ecologically protective for the site. This table may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in this table should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in this table do not necessarily mean the soil must be restored to these levels at a site. The level of restoration depends on the remedy selected under WAC 173-340-350 through 173-340-390.
- b **Arsenic.** Cleanup level based on direct contact using Equation 740-2 and protection of ground water for drinking water use using the procedures in WAC 173-340-747(4), adjusted for natural background for soil.
- c **Benzene.** Cleanup level based on protection of ground water for drinking water use, using the procedures in WAC 173-340-747(4) and (6).
- d **Benzo(a)pyrene.** Cleanup level based on direct contact using Equation 740-2. This value may also be used as the total concentration that all carcinogenic PAHs must meet using the toxicity equivalency methodology in WAC 173-340-708(8).
- e **Cadmium.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4), adjusted for the practical quantitation limit for soil.
- f1 **Chromium VI.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- f2 **Chromium III.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4). Chromium VI must also be tested for and the cleanup level met when present at a site.

- g **DDT (dichlorodiphenyltrichloroethane).** Cleanup level based on direct contact using Equation 740-2.
- h **Ethylbenzene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- i **Ethylene dibromide (1,2 dibromoethane or EDB).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4), adjusted for the practical quantitation limit for soil.
- j **Lead.** Cleanup level based on preventing unacceptable blood lead levels.
- k **Lindane.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4), adjusted for the practical quantitation limit.
- l **Methylene chloride (dichloromethane).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- m **Mercury.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- n **Methyl tertiary-butyl ether (MTBE).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- o **Naphthalenes.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4). This is a total value for naphthalene, 1-methyl naphthalene and 2-methyl naphthalene.
- p **PCB Mixtures.** Cleanup level based on applicable federal law (40 C.F.R. 761.61). This is a total value for all PCBs.
- q **Tetrachloroethylene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- r **Toluene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- s **Total Petroleum Hydrocarbons (TPH).** TPH cleanup values have been provided for the most common petroleum products encountered at contaminated sites. Where there is a mixture of products or the product composition is unknown, samples must be tested using both the NWTPH-Gx and NWTPH-Dx methods and the lowest applicable TPH cleanup level must be met.
- **Gasoline range organics** means organic compounds measured using method NWTPH-Gx. Examples are aviation and automotive gasoline. The cleanup level is based on protection of ground water for noncarcinogenic effects during drinking water use using the procedures described in WAC 173-340-747(6). Two cleanup levels are provided. The lower value of 30 mg/kg can be used at any site. When using this lower value, the soil must also be tested for and meet the benzene soil cleanup level. The higher value of 100 mg/kg can only be used if the soil is tested and found to contain no benzene and less than 20% of the gasoline mixture consists of aromatic petroleum hydrocarbons between EC 8 and EC 16. No interpolation between these cleanup levels is allowed. In both cases, the soil cleanup level for any other carcinogenic components of the petroleum [such as EDB and EDC], if present at the site, must also be met. Also, in both cases, soil cleanup levels for any noncarcinogenic components [such as toluene, ethylbenzene, xylenes, naphthalene, and MTBE], also must be met if these substances are found to exceed ground water cleanup levels at the site. See Table 830-1 for the minimum testing requirements for gasoline releases.
- **Diesel range organics** means organic compounds measured using method NWTPH-Dx. Examples are diesel, kerosene, and #1 and #2 heating oil. The cleanup level is based on preventing the accumulation of free product on the ground water, as described in WAC 173-340-747(10). The soil cleanup level for any carcinogenic components of the petroleum [such as benzene and PAHs], if present at the site, must also be met. Soil cleanup levels for any noncarcinogenic components [such as toluene, ethylbenzene, xylenes and naphthalenes], also must be met if these substances are found to exceed the ground water cleanup levels at the site. See Table 830-1 for the minimum testing requirements for diesel releases.

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- **Heavy oils** means organic compounds measured using NWTPH-Dx. Examples are #6 fuel oil, bunker C oil, hydraulic oil and waste oil. The cleanup level is based on preventing the accumulation of free product on the ground water, as described in WAC 173-340-747(10) and assuming a product composition similar to diesel fuel. The soil cleanup level for any carcinogenic components of the petroleum [such as benzene, PAHs and PCBs], if present at the site, must also be met. Soil cleanup levels for any noncarcinogenic components [such as toluene, ethylbenzene, xylenes and naphthalenes], also must be met if found to exceed the ground water cleanup levels at the site. See Table 830-1 for the minimum testing requirements for heavy oil releases.
- **Mineral oil** means non-PCB mineral oil, typically used as an insulator and coolant in electrical devices such as transformers and capacitors, measured using NWTPH-Dx. The cleanup level is based on preventing the accumulation of free product on the ground water, as described in WAC 173-340-747(10). Sites using this cleanup level must also analyze soil samples and meet the soil cleanup level for PCBs, unless it can be demonstrated that: (1) The release originated from an electrical device that was manufactured after July 1, 1979; or (2) oil containing PCBs was never used in the equipment suspected as the source of the release; or (3) it can be documented that the oil released was recently tested and did not contain PCBs. Method B must be used for releases of oils containing greater than 50 ppm PCBs. See Table 830-1 for the minimum testing requirements for mineral oil releases.
- t **1,1,1 Trichloroethane.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- u **Trichloroethylene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- v **Xylenes.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4). This is a total value for all xylenes.

Table 745-1

Method A Soil Cleanup Levels for Industrial Properties.^a

Hazardous Substance	CAS Number	Cleanup Level
Arsenic	7440-38-2	20 mg/kg ^b
Benzene	71-43-2	0.03 mg/kg ^c
Benzo(a)pyrene	50-32-8	2 mg/kg ^d
Cadmium	7440-43-9	2 mg/kg ^e
Chromium		
Chromium VI	18540-29-9	19 mg/kg ^{f1}
Chromium III	16065-83-1	2,000 mg/kg ^{f2}
DDT	50-29-3	4 mg/kg ^g
Ethylbenzene	100-41-4	6 mg/kg ^h
Ethylene dibromide (EDB)	106-93-4	0.005 mg/kg ⁱ
Lead	7439-92-1	1,000 mg/kg ^j
Lindane	58-89-9	0.01 mg/kg ^k
Methylene chloride	75-09-2	0.02 mg/kg ^l
Mercury (inorganic)	7439-97-6	2 mg/kg ^m
MTBE	1634-04-4	0.1 mg/kg ⁿ
Naphthalene	91-20-3	5 mg/kg ^o
PCB Mixtures		10 mg/kg ^p
Tetrachloroethylene	127-18-4	0.05 mg/kg ^q
Toluene	108-88-3	7 mg/kg ^r

Total Petroleum Hydrocarbons^s

[Note: Must also test for and meet cleanup levels for other petroleum components—see footnotes!]

Gasoline Range Organics

Gasoline mixtures without benzene and consisting of no more than 20% aromatic hydrocarbons between EC 8 and EC 16		100 mg/kg
All other gasoline mixtures		30 mg/kg
Diesel Range Organics		2,000 mg/kg
Heavy Oils		2,000 mg/kg
Mineral Oil		4,000 mg/kg
1,1,1 Trichloroethane	71-55-6	2 mg/kg ^t
Trichloroethylene	79-01-5	0.03 mg/kg ^u
Xylenes	1330-20-7	9 mg/kg ^v

Footnotes:

- a **Caution on misusing this table.** This table has been developed for specific purposes. It is intended to provide conservative cleanup levels for sites undergoing routine cleanup actions or for industrial properties with relatively few hazardous substances, and the site qualifies under WAC 173-340-7491 for an exclusion from conducting a simplified or site-specific terrestrial ecological evaluation, or it can be demonstrated using a terrestrial ecological evaluation under WAC 173-340-7492 or 173-340-7493 that the values in this table are ecologically protective for the site. This table may not be appropriate for defining cleanup levels at other sites. For these reasons, the values in this table should not automatically be used to define cleanup levels that must be met for financial, real estate, insurance coverage or placement, or similar transactions or purposes. Exceedances of the values in this table do not necessarily mean the soil must be restored to these levels at a site. The level of restoration depends on the remedy selected under WAC 173-340-350 through 173-340-390.
- b **Arsenic.** Cleanup level based on protection of ground water for drinking water use, using the procedures in WAC 173-340-747(4), adjusted for natural background for soil.
- c **Benzene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747 (4) and (6).
- d **Benzo(a)pyrene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4). This value may also be used as the total concentration that all carcinogenic PAHs must meet using the toxicity equivalency methodology in WAC 173-340-708(8).
- e **Cadmium.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4), adjusted for the practical quantitation limit for soil.
- f1 **Chromium VI.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- f2 **Chromium III.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4). Chromium VI must also be tested for and the cleanup level met when present at a site.
- g **DDT (dichlorodiphenyltrichloroethane).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- h **Ethylbenzene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- i **Ethylene dibromide (1,2 dibromoethane or EDB).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4), adjusted for the practical quantitation limit for soil.
- j **Lead.** Cleanup level based on direct contact.
- k **Lindane.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4), adjusted for the practical quantitation limit.

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- l Methylene chloride (dichloromethane).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- m Mercury.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- n Methyl tertiary-butyl ether (MTBE).** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- o Naphthalenes.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4). This is a total value for naphthalene, 1-methyl naphthalene and 2-methyl naphthalene.
- p PCB Mixtures.** Cleanup level based on applicable federal law (40 C.F.R. 761.61). This is a total value for all PCBs. This value may be used only if the PCB contaminated soils are capped and the cap maintained as required by 40 C.F.R. Part 761.61. If this condition cannot be met, the value in Table 740-1 must be used.
- q Tetrachloroethylene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- r Toluene.** Cleanup level based on protection of ground water for drinking water use, using the procedure described in WAC 173-340-747(4).
- s Total Petroleum Hydrocarbons (TPH).** TPH cleanup values have been provided for the most common petroleum products encountered at contaminated sites. Where there is a mixture of products or the product composition is unknown, samples must be tested using both the NWTPH-Gx and NWTPH-Dx methods and the lowest applicable TPH cleanup level must be met.
- Gasoline range organics** means organic compounds measured using method NWTPH-Gx. Examples are aviation and automotive gasoline. The cleanup level is based on protection of ground water for noncarcinogenic effects during drinking water use using the procedures described in WAC 173-340-747(6). Two cleanup levels are provided. The lower value of 30 mg/kg can be used at any site. When using this lower value, the soil must also be tested for and meet the benzene soil cleanup level. The higher value of 100 mg/kg can only be used if the soil is tested and found to contain no benzene and less than 20% of the gasoline mixture consists of aromatic petroleum hydrocarbons between EC 8 and EC 16. No interpolation between these cleanup levels is allowed. In both cases, the soil cleanup level for any other carcinogenic components of the petroleum [such as EDB and EDC], if present at the site, must also be met. Also, in both cases, soil cleanup levels for any noncarcinogenic components [such as toluene, ethylbenzene, xylenes, naphthalene, and MTBE], also must be met if these substances are found to exceed ground water cleanup levels at the site. See Table 830-1 for the minimum testing requirements for gasoline releases.
- Diesel range organics** means organic compounds measured using method NWTPH-Dx. Examples are diesel, kerosene, and #1 and #2 heating oil. The cleanup level is based on preventing the accumulation of free product on the ground water, as described in WAC 173-340-747(10). The soil cleanup level for any carcinogenic components of the petroleum [such as benzene, and PAHs], if present at the site, must also be met. Soil cleanup levels for any noncarcinogenic components [such as toluene, ethylbenzene, xylenes and naphthalenes], also must be met if these substances are found to exceed the ground water cleanup levels at the site. See Table 830-1 for the minimum testing requirements for diesel releases.
- Heavy oils** means organic compounds measured using NWTPH-Dx. Examples are #6 fuel oil, bunker C oil, hydraulic oil and waste oil. The cleanup level is based on preventing the accumulation of free product on the ground water, as described in WAC 173-340-747(10) and assuming a product composition similar to diesel fuel. The soil cleanup level for any carcinogenic components of the petroleum [such as benzene, PAHs and PCBs], if present at the site, must also be met. Soil cleanup levels for any noncarcinogenic components [such as toluene, ethylbenzene, xylenes and naphthalenes], also must be met if found to exceed the ground water cleanup levels at the site. See Table 830-1 for the minimum testing requirements for heavy oil releases.

- Mineral oil** means non-PCB mineral oil, typically used as an insulator and coolant in electrical devices such as transformers and capacitors, measured using NWTPH-Dx. The cleanup level is based on preventing the accumulation of free product on the ground water, as described in WAC 173-340-747(10). Sites using this cleanup level must also analyze soil samples and meet the soil cleanup level for PCBs, unless it can be demonstrated that: (1) The release originated from an electrical device that was manufactured after July 1, 1979; or (2) oil containing PCBs was never used in the equipment suspected as the source of the release; or (3) it can be documented that the oil released was recently tested and did not contain PCBs. Method B or C must be used for releases of oils containing greater than 50 ppm PCBs. See Table 830-1 for the minimum testing requirements for mineral oil releases.
- t 1,1,1 Trichloroethane.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- u Trichloroethylene.** Cleanup level based on protection of ground water for drinking water use, using the procedures described in WAC 173-340-747(4).
- v Xylenes.** Cleanup level based on protection of ground water for drinking water use, using the procedure in WAC 173-340-747(4). This is a total value for all xylenes.

**Table 747-1
Soil Organic Carbon-Water Partitioning Coefficient
(Koc) Values: Nonionizing Organics.**

Hazardous Substance	Koc (ml/g)
ACENAPHTHENE	4,898
ALDRIN	48,685
ANTHRACENE	23,493
BENZ(a)ANTHRACENE	357,537
BENZENE	62
BENZO(a)PYRENE	968,774
BIS(2-CHLOROETHYL)ETHER	76
BIS(2-ETHYLHEXYL)PHTHALATE	111,123
BROMOFORM	126
BUTYL BENZYL PHTHALATE	13,746
CARBON TETRACHLORIDE	152
CHLORDANE	51,310
CHLOROBENZENE	224
CHLOROFORM	53
DDD	45,800
DDE	86,405
DDT	677,934
DIBENZO(a,h)ANTHRACENE	1,789,101
1,2-DICHLOROBENZENE (o)	379
1,4-DICHLOROBENZENE (p)	616
DICHLOROETHANE-1,1	53
DICHLOROETHANE-1,2	38
DICHLOROETHYLENE-1,1	65
trans-1,2 DICHLOROETHYLENE	38
DICHLOROPROPANE-1,2	47
DICHLOROPROPENE-1,3	27
DIELDRIN	25,546

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Hazardous Substance	Koc (ml/g)
DIETHYL PHTHALATE	82
DI-N-BUTYLPHTHALATE	1,567
EDB	66
ENDRIN	10,811
ENDOSULFAN	2,040
ETHYL BENZENE	204
FLUORANTHENE	49,096
FLUORENE	7,707
HEPTACHLOR	9,528
HEXACHLOROBENZENE	80,000
α-HCH (α-BHC)	1,762
β-HCH (β-BHC)	2,139
γ-HCH (LINDANE)	1,352
MTBE	11
METHOXYCHLOR	80,000
METHYL BROMIDE	9
METHYL CHLORIDE	6
METHYLENE CHLORIDE	10
NAPHTHALENE	1,191
NITROBENZENE	119
PCB-Arochlor 1016	107,285

Hazardous Substance	Koc (ml/g)
PCB-Arochlor 1260	822,422
PENTACHLOROBENZENE	32,148
PYRENE	67,992
STYRENE	912
1,1,2,2,-TETRACHLOROETHANE	79
TETRACHLOROETHYLENE	265
TOLUENE	140
TOXAPHENE	95,816
1,2,4-TRICHLOROENZENE	1,659
TRICHLOROETHANE -1,1,1	135
TRICHLOROETHANE-1,1,2	75
TRICHLOROETHYLENE	94
o-XYLENE	241
m-XYLENE	196
p-XYLENE	311

Sources: Except as noted below, the source of the Koc values is the 1996 EPA Soil Screening Guidance: Technical Background Document. The values obtained from this document represent the geometric mean of a survey of values published in the scientific literature. Sample populations ranged from 1-65. EDB value from ATSDR Toxicological Profile (TP 91/13). MTBE value from USGS Final Draft Report on Fuel Oxygenates (March 1996). PCB-Arochlor values from 1994 EPA Draft Soil Screening Guidance.

Table 747-2

Predicted Soil Organic Carbon-Water Partitioning Coefficient (Koc) as a Function of pH: Ionizing Organics.

Hazardous Substance	Koc Value (ml/g)		
	pH = 4.9	pH = 6.8	pH = 8.0
Benzoic acid	5.5	0.6	0.5
2-Chlorophenol	398	388	286
2,4-Dichlorophenol	159	147	72
2,4-Dinitrophenol	0.03	0.01	0.01
Pentachlorophenol	9,055	592	410
2,3,4,5-Tetrachlorophenol	17,304	4,742	458
2,3,4,6-Tetrachlorophenol	4,454	280	105
2,4,5-Trichlorophenol	2,385	1,597	298
2,4,6-Trichlorophenol	1,040	381	131

Source: 1996 EPA Soil Screening Guidance: Technical Background Document. The predicted Koc values in this table were derived using a relationship from thermodynamic equilibrium considerations to predict the total sorption of an ionizable organic compound from the partitioning of its ionized and neutral forms.

Table 747-3

Metals Distribution Coefficients (Kd).

Hazardous Substance	Kd (L/kg)
Arsenic	29
Cadmium	6.7

Hazardous Substance	Kd (L/kg)
Total Chromium	1,000
Chromium VI	19
Copper	22
Mercury	52
Nickel	65
Lead	10,000
Selenium	5
Zinc	62

Source: Multiple sources compiled by the department of ecology.

Table 747-4
Petroleum EC Fraction Physical/Chemical Values.

PROPOSED

Fuel Fraction	Equivalent Carbon Number ¹	Water Solubility ² (mg/L)	Mol. Wt. ³ (g/mol)	Henry's Constant ⁴ (cc/cc)	GFW ⁵ (mg/mol)	Density ⁶ (mg/l)	Soil Organic Carbon-Water Partitioning Coefficient Koc ⁷ (L/kg)
ALIPHATICS							
EC 5 - 6	5.5	36.0	81.0	33.0	81,000	679,200	794
EC > 6 - 8	7.0	5.4	100.0	50.0	100,000	725,900	3,980
EC > 8 - 10	9.0	0.43	130.0	80.0	130,000	733,100	31,600
EC > 10 - 12	11.0	0.034	160.0	120.0	160,000	760,000	251,000
EC > 12 - 16	14.0	7.6E-04	200.0	520.0	200,000	766,300	5,010,000
EC > 16 - 35	19.0	2.5E-06	270.0	4,900	270,000	780,000	0.6E+09
AROMATICS							
EC > 8 - 10	9.0	65.0	120.0	0.48	120,000	870,500	1,580
EC > 10 - 12	11.0	25.0	130.0	0.14	130,000	903,500	2,510
EC > 12 - 16	14.0	5.8	150.0	0.053	150,000	1,022,300	5,010
EC > 16 - 21	19.0	0.65	190.0	0.013	190,000	1,225,400	15,800
EC > 21 - 35	28.0	6.6E-03	240.0	6.7E-04	240,000	1,284,600	126,000
TPH COMPONENTS							
Benzene	6.5	1,750	78.0	0.228	78,000	876,500	62.0
Toluene	7.6	526.0	92.0	0.272	92,000	866,900	140.0
Ethylbenzene	8.5	169.0	106.0	0.323	106,000	867,000	204.0
Total Xylenes ⁸ (average of 3)	8.67	171.0	106.0	0.279	106,000	875,170	233.0
n-Hexane ⁹	6.0	9.5	86.0	74.0	86,000	659,370	3,410
MTBE ¹⁰		50,000	88.0	0.018	88,000	744,000	10.9
Naphthalenes	11.69	31.0	128.0	0.0198	128,000	1,145,000	1191

Sources:

- Equivalent Carbon Number.** Gustafson, J.B. et al., *Selection of Representative TPH Fractions Based on Fate and Transport Considerations. Total Petroleum Hydrocarbon Criteria Working Group Series, Volume 3* (1997) [hereinafter *Criteria Working Group*].
- Water Solubility.** For aliphatics and aromatics EC groups, *Criteria Working Group*. For TPH components except n-hexane and MTBE, 1996 *EPA Soil Screening Guidance: Technical Background Document*.
- Molecular Weight.** *Criteria Working Group*.
- Henry's Constant.** For aliphatics and aromatics EC groups, *Criteria Working Group*. For TPH components except n-hexane and MTBE, 1996 *EPA Soil Screening Guidance: Technical Background Document*.
- Gram Formula Weight (GFW).** Based on 1000 x Molecular Weight.
- Density.** For aliphatics and aromatics EC groups, *Criteria Working Group*. For TPH components except n-hexane and MTBE, 1996 *EPA Soil Screening Guidance: Technical Background Document*.
- Soil Organic Carbon-Water Partitioning Coefficient.** For aliphatics and aromatics EC groups, *Criteria Working Group*. For TPH components except n-hexane and MTBE, 1996 *EPA Soil Screening Guidance: Technical Background Document*.
- Total Xylenes.** Values for total xylenes are a weighted average of m, o and p xylene based on gasoline composition data from the *Criteria Working Group* (m= 51% of total xylene; o= 28% of total xylene; and p=21% of total xylene).
- n-Hexane.** For values other than density, *Criteria Working Group*. For the density value, *Hawley's Condensed Chem-*

ical Dictionary, 11th ed., revised by N. Irving Sax and Richard J. Lewis (1987).

- MTBE.** *USGS Final Report on Fuel Oxygenates* (March 1996).

Table 747-5
Residual Saturation Screening Levels for TPH.

Fuel	Screening Level (mg/kg)
Weathered Gasoline	1,000
Middle Distillates (e.g., Diesel No. 2 Fuel Oil)	2,000
Heavy Fuel Oils (e.g., No. 6 Fuel Oil)	2,000
Mineral Oil	4,000
Unknown Composition or Type	1,000

Note: The residual saturation screening levels for petroleum hydrocarbons specified in Table 747-5 are based on coarse sand and gravelly soils; however, they may be used for any soil type. Screening levels are based on the presumption that there are no preferential pathways for NAPL to flow downward to ground water. If such pathways exist, more stringent residual saturation screening levels may need to be established.

Table 749-1

Simplified Terrestrial Ecological Evaluation - Exposure Analysis Procedure under WAC 173-340-7492 (2)(a)(ii).^a

Estimate the area of contiguous (connected) undeveloped land on the site or within 500 feet of any area of the site to the nearest 1/2 acre (1/4 acre if the area is less than 0.5 acre). "Undeveloped land" means land that is not covered by existing buildings, roads, paved areas or other barriers that will prevent wildlife from feeding on plants, earthworms, insects or other food in or on the soil.	
1) From the table below, find the number of points corresponding to the area and enter this number in the box to the right.	
<u>Area (acres)</u>	<u>Points</u>
0.25 or less	4
0.5	5
1.0	6
1.5	7
2.0	8
2.5	9
3.0	10
3.5	11
4.0 or more	12
2) Is this an industrial or commercial property? See WAC 173-340-7490 (3)(c). If yes, enter a score of 3 in the box to the right. If no, enter a score of 1.	
3) Enter a score in the box to the right for the habitat quality of the site, using the rating system shown below ^b . (High = 1, Intermediate = 2, Low = 3)	
4) Is the undeveloped land likely to attract wildlife? If yes, enter a score of 1 in the box to the right. If no, enter a score of 2. See footnote c.	
5) Are there any of the following soil contaminants present: Chlorinated dioxins/furans, PCB mixtures, DDT, DDE, DDD, aldrin, chlordane, dieldrin, endosulfan, endrin, heptachlor, benzene hexachloride, toxaphene, hexachlorobenzene, pentachlorophenol, pentachlorobenzene? If yes, enter a score of 1 in the box to the right. If no, enter a score of 4.	
6) Add the numbers in the boxes on lines 2 through 5 and enter this number in the box to the right. If this number is larger than the number in the box on line 1, the simplified terrestrial ecological evaluation may be ended under WAC 173-340-7492 (2)(a)(ii).	

Footnotes:

a It is expected that this habitat evaluation will be undertaken by an experienced field biologist. If this is not the case, enter a conservative score (1) for questions 3 and 4.

b Habitat rating system. Rate the quality of the habitat as high, intermediate or low based on your professional judgment as a field biologist. The following are suggested factors to consider in making this evaluation:

Low: Early successional vegetative stands; vegetation predominantly noxious, nonnative, exotic plant species or weeds. Areas severely disturbed by human activity, including intensively cultivated croplands. Areas isolated from other habitat used by wildlife.

High: Area is ecologically significant for one or more of the following reasons: Late-successional native plant communities present; relatively high species diversity; used by an uncommon or rare species; priority habitat (as defined by the Washington department of fish and wildlife); part of a larger area of habitat where size or fragmentation may be important for the retention of some species.

Intermediate: Area does not rate as either high or low.

c Indicate "yes" if the area attracts wildlife or is likely to do so. Examples: Birds frequently visit the area to feed; evidence of high use by mammals (tracks, scat, etc.); habitat "island" in an industrial area; unusual features of an area that make it important for feeding animals; heavy use during seasonal migrations.

Table 749-2

Priority Contaminants of Ecological Concern for sites that Qualify for the Simplified Terrestrial Ecological Evaluation Procedure.^a

Priority contaminant	Soil concentration (mg/kg)	
	Unrestricted land use ^b	Industrial or commercial site
METALS^c		
Antimony	See note d	See note d
Arsenic III	20 mg/kg	20 mg/kg
Arsenic V	95 mg/kg	260 mg/kg
Barium	1,250 mg/kg	1,320 mg/kg
Beryllium	25 mg/kg	See note d
Cadmium	25 mg/kg	36 mg/kg
Chromium (total)	42 mg/kg	135 mg/kg
Cobalt	See note d	See note d
Copper	100 mg/kg	550 mg/kg
Lead	220 mg/kg	220 mg/kg
Magnesium	See note d	See note d
Manganese	See note d	23,500 mg/kg
Mercury, inorganic	9 mg/kg	9 mg/kg
Mercury, organic	0.7 mg/kg	0.7 mg/kg
Molybdenum	See note d	71 mg/kg
Nickel	100 mg/kg	1,850 mg/kg
Selenium	0.8 mg/kg	0.8 mg/kg
Silver	See note d	See note d
Tin	275 mg/kg	See note d
Vanadium	26 mg/kg	See note d
Zinc	270 mg/kg	570 mg/kg
PESTICIDES		
Aldicarb/aldicarb sulfone (total)	See note d	See note d
Aldrin	0.17 mg/kg	0.17 mg/kg
Benzene hexachloride (including lindane)	10 mg/kg	10 mg/kg
Carbofuran	See note d	See note d
Chlordane	1 mg/kg	7 mg/kg
Chlorpyrifos/chlorpyrifos-methyl (total)	See note d	See note d
DDT/DDD/DDE (total)	1 mg/kg	1 mg/kg
Dieldrin	0.17 mg/kg	0.17 mg/kg

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Priority contaminant	Soil concentration (mg/kg)	
	Unrestricted land use ^b	Industrial or commercial site
Endosulfan	See note d	See note d
Endrin	0.4 mg/kg	0.4 mg/kg
Heptachlor/heptachlor epoxide (total)	0.6 mg/kg	0.6 mg/kg
Hexachlorobenzene	31 mg/kg	31 mg/kg
Parathion/methyl parathion (total)	See note d	See note d
Pentachlorophenol	11 mg/kg	11 mg/kg
Toxaphene	See note d	See note d
OTHER CHLORINATED ORGANICS		
Chlorinated dibenzofurans (total)	3E-06 mg/kg	3E-06 mg/kg
Dioxins (total)	5E-06 mg/kg	5E-06 mg/kg
Hexachlorophene	See note d	See note d
PCB mixtures (total)	2 mg/kg	2 mg/kg
Pentachlorobenzene	168 mg/kg	See note d
OTHER NONCHLORINATED ORGANICS		
Acenaphthene	See note d	See note d
Benzo(a)pyrene	30 mg/kg	300 mg/kg
Bis (2-ethylhexyl) phthalate	See note d	See note d
Di-n-butyl phthalate	200 mg/kg	See note d
PETROLEUM		
Gasoline Range Organics	200 mg/kg	12,000 mg/kg except that the concentration shall not exceed residual saturation at the soil surface.

Priority contaminant	Soil concentration (mg/kg)	
	Unrestricted land use ^b	Industrial or commercial site
Diesel Range Organics	460 mg/kg	15,000 mg/kg except that the concentration shall not exceed residual saturation at the soil surface.

Footnotes:

- a Caution on misusing these chemical concentration numbers. These values have been developed for use at sites where a site-specific terrestrial ecological evaluation is not required. They are not intended to be protective of terrestrial ecological receptors at every site. Exceedances of the values in this table do not necessarily trigger requirements for cleanup action under this chapter. The table is not intended for purposes such as evaluating sludges or wastes. This list does not imply that sampling must be conducted for each of these chemicals at every site. Sampling should be conducted for those chemicals that might be present based on available information, such as current and past uses of chemicals at the site.
- b Applies to any site that does not meet the definition of industrial or commercial.
- c For arsenic, use the valence state most likely to be appropriate for site conditions, unless laboratory information is available. Where soil conditions alternate between saturated, anaerobic and unsaturated, aerobic states, resulting in the alternating presence of arsenic III and arsenic V, the arsenic III concentrations shall apply.
- d Safe concentration has not yet been established.

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Table 749-3

Ecological Indicator Soil Concentrations (mg/kg) for Protection of Terrestrial Plants and Animals^a. For chemicals where a value is not provided, see footnote b.			
Note: These values represent soil concentrations that are expected to be protective at any MTCA site and are provided for use in eliminating hazardous substances from further consideration under WAC 173-340-7493 (2)(a)(i). Where these values are exceeded, various options are provided for demonstrating that the hazardous substance does not pose a threat to ecological receptors at a site, or for developing site-specific remedial standards for eliminating threats to ecological receptors. See WAC 173-340-7493 (1)(b)(i), 173-340-7493 (2)(a)(ii) and 173-340-7493(3).			
Hazardous Substance^b	Plants^c	Soil biota^d	Wildlife^e
METALS^f:			
Aluminum (soluble salts)	50		
Antimony	5		
Arsenic III			7
Arsenic V	10	60	132
Barium	500		102
Beryllium	10		

Ecological Indicator Soil Concentrations (mg/kg) for Protection of Terrestrial Plants and Animals^a. For chemicals where a value is not provided, see footnote b.			
Boron	0.5		
Bromine	10		
Cadmium	4	20	14
Chromium (total)	42 ^b	42 ^b	67
Cobalt	20		
Copper	100	50	217
Fluorine	200		
Iodine	4		
Lead	50	500	118
Lithium	35 ^b		
Manganese	1,100 ^b		1,500
Mercury, inorganic	0.3	0.1	5.5
Mercury, organic			0.4
Molybdenum	2		7
Nickel	30	200	980
Selenium	1	70	0.3
Silver	2		
Technetium	0.2		
Thallium	1		
Tin	50		
Uranium	5		
Vanadium	2		
Zinc	86 ^b	200	360
PESTICIDES:			
Aldrin			0.1
Benzene hexachloride (including lindane)			6
Chlordane		1	2.7
DDT/DDD/DDE (total)			0.75
Dieldrin			0.07
Endrin			0.2
Hexachlorobenzene			17
Heptachlor/heptachlor epoxide (total)			0.4
Pentachlorophenol	3	6	4.5
OTHER CHLORINATED ORGANICS:			
1,2,3,4-Tetrachlorobenzene		10	
1,2,3-Trichlorobenzene		20	
1,2,4-Trichlorobenzene		20	
1,2-Dichloropropane		700	
1,4-Dichlorobenzene		20	
2,3,4,5-Tetrachlorophenol		20	
2,3,5,6-Tetrachloroaniline	20	20	
2,4,5-Trichloroaniline	20	20	
2,4,5-Trichlorophenol	4	9	
2,4,6-Trichlorophenol		10	
2,4-Dichloroaniline		100	

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Ecological Indicator Soil Concentrations (mg/kg) for Protection of Terrestrial Plants and Animals^a. For chemicals where a value is not provided, see footnote b.

3,4-Dichloroaniline		20	
3,4-Dichlorophenol	20	20	
3-Chloroaniline	20	30	
3-Chlorophenol	7	10	
Chlorinated dibenzofurans (total)			2E-06
Chloroacetamide		2	
Chlorobenzene		40	
Dioxins			2E-06
Hexachlorocyclopentadiene	10		
PCB mixtures (total)	40		0.65
Pentachloroaniline		100	
Pentachlorobenzene		20	
OTHER NONCHLORINATED ORGANICS:			
2,4-Dinitrophenol	20		
4-Nitrophenol		7	
Acenaphthene	20		
Benzo(a)pyrene			12
Biphenyl	60		
Diethylphthalate	100		
Dimethylphthalate		200	
Di-n-butyl phthalate	200		
Fluorene		30	
Furan	600		
Nitrobenzene		40	
N-nitrosodiphenylamine		20	
Phenol	70	30	
Styrene	300		
Toluene	200		
PETROLEUM:			
Gasoline Range Organics		100	5,000 mg/kg except that the concentration shall not exceed residual saturation at the soil surface.
Diesel Range Organics		200	6,000 mg/kg except that the concentration shall not exceed residual saturation at the soil surface.

Footnotes:

- a** Caution on misusing ecological indicator concentrations. Exceedances of the values in this table do not necessarily trigger requirements for cleanup action under this chapter. Natural background concentrations may be substituted for ecological indicator concentrations provided in this table. The table is not intended for purposes such as evaluating sludges or wastes. This list does not imply that sampling must be conducted for each of these chemicals at every site. Sampling should be conducted for those chemicals that might be present based on available information, such as current and past uses of chemicals at the site.
- b** For hazardous substances where a value is not provided, plant and soil biota indicator concentrations shall be based on a litera-

ture survey conducted in accordance with WAC 173-340-7493(4) and calculated using methods described in the publications listed below in footnotes c and d. Methods to be used for developing wildlife indicator concentrations are described in Tables 749-4 and 749-5.

- c** Based on benchmarks published in *Toxicological Benchmarks for Screening Potential Contaminants of Concern for Effects on Terrestrial Plants: 1997 Revision*, Oak Ridge National Laboratory, 1997.
- d** Based on benchmarks published in *Toxicological Benchmarks for Potential Contaminants of Concern for Effects on Soil and Litter Invertebrates and Heterotrophic Process*, Oak Ridge National Laboratory, 1997.

- e Calculated using the exposure model provided in Table 749-4 and chemical-specific values provided in Table 749-5. Where both avian and mammalian values are available, the wildlife value is the lower of the two.
- f For arsenic, use the valence state most likely to be appropriate for site conditions, unless laboratory information is available. Where soil conditions alternate between saturated, anaerobic and unsaturated, aerobic states, resulting in the alternating presence of arsenic III and arsenic V, the arsenic III concentrations shall apply.
- g Benchmark replaced by Washington state natural background concentration.

**Table 749-4
Wildlife Exposure Model for Site-specific Evaluations.***

Plant	
K_{Plant}	Plant uptake coefficient (dry weight basis)
	Units: mg/kg ⁻¹ plant/mg/kg ⁻¹ soil
	Value: chemical-specific (see Table 749-5)
Soil biota	
Surrogate receptor: Earth worm	
BAF_{Worm}	Earthworm bioaccumulation factor (dry weight basis)
	Units: (mg/kg ⁻¹ worm)/(mg/kg ⁻¹ soil)
	Value: chemical-specific (see Table 749-5)
Mammalian predator	
Surrogate receptor: Shrew (<i>Sorex</i>)	
$P_{SB (shrew)}$	Proportion of contaminated food (earthworms) in shrew diet
	Units: unitless
	Value: 0.50
$FIR_{Shrew,DW}$	Food ingestion rate (dry weight basis)
	Units: kg dry food/kg body weight - day
	Value: 0.45
$SIR_{Shrew,DW}$	Soil ingestion rate (dry weight basis)
	Units: kg dry soil/kg body weight - day
	Value: 0.0045
$RGAF_{Soil, shrew}$	Gut absorption factor for a hazardous substance in soil expressed relative to the gut absorption factor for the hazardous substance in food.
	Units: unitless
	Value: chemical-specific (see Table 749-5)
T_{Shrew}	Toxicity reference value for shrew
	Units: mg/kg - day
	Value: chemical-specific (see Table 749-5)
Home range	0.1 Acres
Avian predator	
Surrogate receptor: American robin (<i>Turdus migratorius</i>)	
$P_{SB (Robin)}$	Proportion of contaminated food (soil biota) in robin diet
	Unit: unitless
	Value: 0.52
$FIR_{Robin,DW}$	Food ingestion rate (dry weight basis)
	Units: kg dry food/kg body weight - day
	Value: 0.207
$SIR_{Robin,DW}$	Soil ingestion rate (dry weight basis)
	Units: kg dry soil/kg body weight - day
	Value: 0.0215

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RGAF _{Soil, robin}	Gut absorption factor for a hazardous substance in soil expressed relative to the gut absorption factor for the hazardous substance in food.
	Units: unitless
	Value: chemical-specific (see Table 749-5)
T _{Robin}	Toxicity reference value for robin
	Units: mg/kg - day
	Value: chemical-specific (see Table 749-5)
Home range	0.6 Acres
Mammalian herbivore	
Surrogate receptor: Vole (<i>Microtus</i>)	
P _{Plant, vole}	Proportion of contaminated food (plants) in vole diet
	Units: unitless
	Value: 1.0
FIR _{Vole,DW}	Food ingestion rate (dry weight basis)
	Units: kg dry food/kg body weight - day
	Value: 0.315
SIR _{Vole,DW}	Soil ingestion rate (dry weight basis)
	Units: kg dry soil/kg body weight - day
	Value: 0.0079
RGAF _{Soil, vole}	Gut absorption factor for a hazardous substance in soil expressed relative to the gut absorption factor for the hazardous substance in food.
	Units: unitless
	Value: chemical-specific (see Table 749-5)
T _{Vole}	Toxicity reference value for vole
	Units: mg/kg - day
	Value: chemical-specific (see Table 749-5)
Home range	0.08 Acres
Soil concentrations for wildlife protection^b	
(1) Mammalian predator: $SL_{MP} = (T_{Shrew}) / [(FIR_{Shrew,DW} \times P_{SB(shrew)} \times BAF_{Worm}) + (SIR_{Shrew,DW} \times RGAF_{Soil, shrew})]$	
(2) Avian predator: $SL_{AP} = (T_{Robin}) / [(FIR_{Robin,DW} \times P_{SB(Robin)} \times BAF_{Worm}) + (SIR_{Robin,DW} \times RGAF_{Soil, robin})]$	
(3) Mammalian herbivore: $SL_{MH} = (T_{Vole}) / [(FIR_{Vole,DW} \times P_{Plant, vole} \times K_{Plant}) + (SIR_{Vole,DW} \times RGAF_{Soil, vole})]$	

Footnotes:

a Substitutions for default receptors may be made as provided for in WAC 173-340-7493(7). If a substitute species is used, the values for food and soil ingestion rates, and proportion of contaminated food in the diet, may be modified to reasonable maximum exposure estimates for the substitute species based on a literature search conducted in accordance with WAC 173-340-7493(4).

b Use the lowest of the three concentrations calculated as the wildlife value.

Additional species may be added on a site-specific basis as provided in WAC 173-340-7493 (2)(a).

The department shall consider proposals for modifications to default values provided in this table based on new scientific information in accordance with WAC 173-340-702(14).

Table 749-5
Default Values for Selected Hazardous Substances for use with the Wildlife Exposure Model in Table 749-4.^a

Hazardous Substance	Toxicity reference value (mg/kd - d)				
	BAF _{Worm}	K _{Plant}	Shrew	Vole	Robin
METALS:					
Arsenic III	1.16	0.06	1.89	1.15	
Arsenic V	1.16	0.06	35	35	22

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Hazardous Substance	Toxicity reference value (mg/kd - d)				
	BAF _{Worm}	K _{Plant}	Shrew	Vole	Robin
Barium	0.36		43.5	33.3	
Cadmium	4.6	0.14	15	15	20
Chromium	0.49		35.2	29.6	5
Copper	0.88	0.020	44	33.6	61.7
Lead	0.69	0.0047	20	20	11.3
Manganese	0.29		624	477	
Mercury, inorganic	1.32	0.0854	2.86	2.18	0.9
Mercury, organic	1.32		0.352	0.27	0.064
Molybdenum	0.48	1.01	3.09	2.36	35.3
Nickel	0.78	0.047	175.8	134.4	107
Selenium	10.5	0.0065	0.725	0.55	1
Zinc	3.19	0.095	703.3	537.4	131
PESTICIDES:					
Aldrine	4.77	0.007 ^b	2.198	1.68	0.06
Benzene hexachloride (including lindane)	10.1				7
Chlordane	17.8	0.011 ^b	10.9	8.36	10.7
DDT/DDD/DDE	10.6	0.004 ^b	8.79	6.72	0.87
Dieldrin	28.8	0.029 ^b	0.44	0.34	4.37
Endrin	3.6	0.038 ^b	1.094	0.836	0.1
Heptachlor/heptachlor epoxide	10.9	0.027 ^b	2.857	2.18	0.48
Hexachlorobenzene	1.08				2.4
Pentachlorophenol	5.18	0.043 ^b	5.275	4.03	
OTHER CHLORINATED ORGANICS:					
Chlorinated dibenzofurans	48				1.0E-05
Dioxins	48	0.005 ^b	2.2E-05	1.7E-05	1.4E-04
PCB mixtures	4.58	0.087 ^b	0.668	0.51	1.8
OTHER NONCHLORINATED ORGANICS:					
Benzo(a)pyrene	0.43	0.011	1.19	0.91	

Footnotes:

a For hazardous substances not shown in this table, use the following default values. Alternatively, use values established from a literature survey conducted in accordance with WAC 173-340-7493(4) and approved by the department.

K_{Plant}: Metals (including metalloid elements): 1.01
 Organic chemicals: $K_{Plant} = 10^{(1.588 - (0.578 \log K_{ow}))}$, where $\log K_{ow}$ is the logarithm of the octanol-water partition coefficient.

BAF_{Worm}: Metals (including metalloid elements): 4.6
 Nonchlorinated organic chemicals:
 $\log K_{ow} < 5$: 0.7
 $\log K_{ow} \geq 5$: 0.9
 Chlorinated organic chemicals:
 $\log K_{ow} < 5$: 4.7
 $\log K_{ow} \geq 5$: 11.8

RGAF_{Soil} (all receptors): 1.0

Toxicity reference values (all receptors): Values established from a literature survey conducted in accordance with WAC 173-340-7493(4).

Site-specific values may be substituted for default values, as described below:

K_{Plant} Value from a literature survey conducted in accordance with WAC 173-340-7493(4) or from empirical studies at the site.

BAF_{Worm} Value from a literature survey conducted in accordance with WAC 173-340-7493(4) or from empirical studies at the site.

RGAF_{Soil} (all receptors): Value established from a literature survey conducted in accordance with WAC 173-340-7493(4).

Toxicity reference values (all receptors): Default toxicity reference values provided in this table may be replaced by a value established from a literature survey conducted in accordance with WAC 173-340-7493(4).

b Calculated from $\log K_{ow}$ using formula in footnote a.

**Table 830-1
 Required Testing for Petroleum Releases.**

	Gasoline Range Organics (GRO) (1)	Diesel Range Organics (DRO) (2)	Heavy Oils (DRO) (3)	Electrical Insulating Mineral Oils (4)	Waste Oils and Unknown Oils (5)
Volatile Petroleum Compounds					
Benzene	X	X (6)			X

Table 830-1
Required Testing for Petroleum Releases.

Toluene	X (7)	X (6,7)			X (8)
Ethyl benzene	X (7)	X (6,7)			X (8)
Xylenes	X (7)	X (6,7)			X (8)
n-Hexane	X (7,9)				
Fuel Additives and Blending Compounds					
Dibromoethane, 1-2 (EDB); and Dichloroethane, 1-2 (EDC)	X (10)				X (8)
Methyl tertiary-butyl ether (MTBE)	X (11)				X (8)
Other Petroleum Components					
Carcinogenic PAHs		X (8,12)	X (8)		X (8)
Naphthalenes	X (8,13)	X (8,13)	X (8,13)		X (8,13)
Other Compounds					
Polychlorinated Biphenyls (PCBs)			X (8)	X (8,14)	X (8,15)
Halogenated Volatile Organic Compounds (VOCs)					X (8,15)
Total Lead	X (16)				X (8,15)
Total Petroleum Hydrocarbons Methods					
TPH Analytical Method for Total TPH (Method A Cleanup Levels) (17)	NWTPH-Gx	NWTPH-Dx	NWTPH-Dx	NWTPH-Dx	NWTPH-Gx & NWTPH-Dx
TPH Analytical Methods for TPH fractions (Methods B or C) (17)	VPH	EPH	EPH	EPH	VPH and EPH

Use of Table 830-1: An "X" means that the testing requirement applies to ground water and soil, unless otherwise specified in the following footnotes. Empty boxes indicate that the analysis is not typically required as part of the testing for petroleum releases, but may be required based on other site-specific information. See WAC 173-340-830 for analytical procedures.

The footnotes to this table are important.

Footnotes:

- The following petroleum products are common examples of GRO: automotive and aviation gasolines, mineral spirits, standard solvents, and naphtha. To be in this range, 90 percent of the petroleum components need to be quantifiable using the NWTPH-Gx; if NWTPH-HCID results are used for this determination, then 90 percent of the "area under the TPH curve" must be quantifiable using NWTPH-Gx. Products such as jet fuel, diesel No. 1, kerosene, and heating oil may require analysis as both GRO and DRO depending on the range of petroleum components present (range can be measured by NWTPH-HCID). (See footnote 17 on analytical methods.)
- The following petroleum products are common examples of DRO: Diesel No. 2, fuel oil No. 2, light oil (including some bunker oils). To be in this range, 90 percent of the petroleum compo-

nents need to be quantifiable using the NWTPH-Dx quantified against a diesel standard. Products such as jet fuel, diesel No. 1, kerosene, and heating oil may require analysis as both GRO and DRO depending on the range of petroleum components present as measured in NWTPH-HCID.

- The following petroleum products are common examples of the heavy oil group: Motor oils, lube oils, hydraulic fluids, etc. Heavier oils may require the addition of an appropriate oil range standard for quantification.
- Mineral oil means non-PCB mineral oil, typically used as an insulator and coolant in electrical devices such as transformers and capacitors measured using NWTPH-Dx.
- The waste oil category applies to waste oil, oily wastes, and unknown petroleum products and mixtures of petroleum and non-petroleum substances. Analysis of other chemical components (such as solvents) than those listed may be required based on site-specific information. Mixtures of identifiable petroleum products (such as gasoline and diesel, or diesel and motor oil) may be analyzed based on the presence of the individual products, and need not be treated as waste and unknown oils.

- (6) Diesel fuel sold as "home heating oil" does not typically require analysis for BTEX compounds in soil, but if benzene is found in ground water then the soil must be analyzed.
- (7) When using a Method A ground water cleanup level, analysis for these chemicals in ground water is also required. If any of these chemicals are found in ground water above their Method A cleanup level, soil samples must also be analyzed for these chemicals.
- (8) Analysis is required in a sufficient number of samples to determine whether this chemical is present at concentrations of concern. If the chemical is found to be at levels below the cleanup level, then no further analysis is required.
- (9) Except as noted in Footnote (7), n-Hexane analysis is required when VPH analysis is performed for Method B or C. In that case, its concentration should be deleted from its respective fraction to avoid double-counting its concentration. n-Hexane's contribution to overall toxicity is then evaluated using its own reference dose.
- (10) Volatile fuel additives (such as dibromoethane, 1 - 2 (EDB) (CAS# 106-93-4) and dichloroethane, 1 - 2 (EDC) (CAS# 107-06-2)) do not have to be routinely analyzed in GRO contaminated soil (also see footnote 16 on lead). However, they must be part of a volatile organics analysis (VOA) of GRO contaminated ground water. If any is found in ground water, then the contaminated soil must also be analyzed.
- (11) Methyl tertiary-butyl ether (MTBE) (CAS# 1634-04-4) must be analyzed in GRO contaminated soil and ground water.
- (12) Carcinogenic PAHs are required for DRO and oil-range petroleum products using Methods A, B and C cleanup levels, except for the following products for which adequate information exists to indicate their absence: Diesel No. 1 and 2, home heating oil, kerosene, jet fuels, and electrical insulating mineral oils. The carcinogenic PAHs are benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, benzo(k)fluoranthene, benzo(a)anthracene, and benzo(b)fluoranthene.
- (13)(a) Except as noted in (b) and (c), concentrations for the non-carcinogenic PAHs, including the "naphthalenes" (naphthalene, 1-methyl-naphthalene, and 2-methyl-naphthalene) are not required when using Method A cleanup levels, because they are included in the TPH cleanup level.
- (b) The analysis of soil for naphthalenes is required under Methods B and C when the inhalation exposure pathway is evaluated.
- (c) If naphthalenes are found in ground water, then the soil must be analyzed.
- (14) Testing for PCBs is not usually necessary when it can be demonstrated that: (1) the release originated from an electrical device manufactured after July 1, 1979; or, (2) oil containing PCBs was never used in the equipment suspected as the source of the release; or, (3) it can be documented that the oil released was recently tested and found to contain less than 50 PPM total PCBs.
- (15) Testing for other possible chemical contaminants may be required based on site-specific information.
- (16) For sites where gasoline may have been released prior to 1996 (when "leaded gasoline" was used), lead must be analyzed in TPH contaminated water or soil, unless it can be demonstrated that lead was not part of the release. If it cannot be so demonstrated, analysis is required in a sufficient number of samples to determine whether lead is present at concentrations of concern. Soils and water contaminated with a gasoline other than automotive gasoline, such as aviation gasoline or racing fuel, must be tested for likely fuel additives (especially lead) and likely blending compounds, no matter when the release occurred.
- (17) The analytical methods NWTPH-Gx, NWTPH-Dx, NWTPH-HCID, VPH, and EPH are methods published by the department of ecology and available on the department's Internet web site: <http://www.wa.gov/ecology/tcp/cleanup.html>.

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.

WSR 00-16-149
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 2, 2000, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-10-002 on April 20, 2000.

Title of Rule: Chapter 296-104 WAC, Board of boiler rules—Substantive.

Purpose: The purpose of this rule making is to:

- Comply with actions taken by the Board of Boilers;
- Make changes to clarify the rules;
- Make housekeeping changes and corrections;
- Make the rules consistent with nationally accepted codes and standards; and
- Respond to industry requests and public safety standards.

AMENDED SECTIONS:

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? Changed the term usage and moved the definitions for "API-510," "ASME Code," "Hot water heaters," "External inspection," "Internal inspection," "NBIC," to make them easier to locate. Added a definition for "Pool heaters" and a provision that both an owner and a user are able to inspect boilers.

WAC 296-104-200 Construction—What are the standards for new construction? (1) Adds "with addenda" to subsection (1) to clarify that the addenda to ASME Boiler and Vessel Code, 1998 edition, must be used for new construction. Also, added a reference to WAC 296-104-265(3).

(3) Eliminated "the boilers and unfired pressure vessels" and replace it with "they" to clarify the rule.

WAC 296-104-205 Construction—Nonstandard new construction. Changed the title to "Construction—What are the requirements for nonstandard new construction?" and added a reference to WAC 296-104-307 for clarity and ease of understanding and use.

WAC 296-104-210 Construction—Special designs. Changed the title to "Construction—What are the requirements for construction of boilers and unfired pressure vessels of special design?" and replaced "Prints" with "Drawings, designs" for clarity and ease of understanding and use.

WAC 296-104-215 Construction—Nonstandard boilers and unfired pressure vessels. Changed the title to "Construction—What are the requirements to use nonstandard boilers and unfired pressure vessels constructed prior to January 1, 1952?" for clarity and ease of understanding and use.

WAC 296-104-220 Construction—Nonstandard second hand boilers or unfired pressure vessels. Changed the title to "Construction—What are the requirements to use nonstandard second hand boilers and unfired pressure vessels?"; replaced "prints" with "drawings"; and added "design" prior to "calculations" for clarity and ease of understanding and use.

WAC 296-104-230 Construction—New vessels exempted from code requirements for volume, pressure, or temperature. Changed the title to "Construction—What

are the testing requirements for new vessels exempted from code requirements for volume, pressure, or temperature?" and replaced "vessel" with "unfired pressure vessel" for clarity and ease of understanding and use. Changed the pressure for hydrostatic testing from 150% to twice the rated maximum allowable working pressure, which is reflective of current industry practice. Also, clarified "excessive distortion" as not exceeding 80% of the boiler or unfired pressure vessel material's yield strength.

WAC 296-104-235 Construction—Boiler and unfired pressure vessel safety relief valves. Changed the title to "Construction—What are the requirements for code exempted boiler and unfired pressure vessel safety relief valves?" and added "unfired pressure" prior to "vessel" for clarity and ease of understanding and use. Added "and shall not induce stress on the valve" in reference to relief valve outlet.

WAC 296-104-240 Construction—Unfired pressure vessels piping components. Changed the title to "Construction—When are piping components considered unfired pressure vessels?" for clarity and ease of understanding and use.

WAC 296-104-265 Installation—What control and limit devices are required on boilers? Clarified that this section applies to installations after June 1989 and not only between the years of June 1989 and December 1998. Also, added inspector's responsibilities regarding CSD compliance which are currently in ASME CSD-1 to make the applicable requirements more readily available.

WAC 296-104-307 Installation—What safety devices are required on boilers and pressure vessels? Changed the title to "Installation—What safety pressure relief devices are required on boilers and pressure vessels?" for clarity and ease of understanding and use.

WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Added an "a" in the last sentence to make a grammatical correction.

WAC 296-104-700 Inspection fees—Certificate fees—Expenses. Changed the title to "What are the inspection fees—Certificate fees—Expenses?" for clarity and ease of understanding and use.

WAC 296-104-701 Civil penalties. Changed the title to "What are the civil penalties?" and corrected WAC references for clarity and ease of understanding and use.

Statutory Authority for Adoption: RCW 70.79.030 and 70.79.040.

Statute Being Implemented: Chapter 70.79 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Board of Boilers, Tumwater, (360) 902-5270; Implementation and Enforcement: Dick Barkdoll, Tumwater, (360) 902-5270.

Name of Proponent: Board of Boilers, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Board of Boilers and the department have considered whether these rules are subject to the Regulatory Fairness Act and have determined that they are not for the following reasons:

- Clear rule-writing principles were applied without changing the substance of the rule;
- Changes were made that are necessary for purposes of clarification;
- Housekeeping changes were made to make corrections to the rules; and
- Changes were made that are necessary to make the rules consistent with national codes and standards.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rules changes because the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv) was met.

Hearing Location: Department of Labor and Industries Building, S117, 7273 Linderson Way S.W., Tumwater, WA, on September 19, 2000, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Josh Swanson by September 15, 2000, at (360) 902-6411.

Submit Written Comments to: Dick Barkdoll, Specialty Compliance Services Division, P.O. Box 44410, Olympia, WA 98504-4410, e-mail badi235@lni.wa.gov, fax (360) 902-5292, by September 26, 2000. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: October 10, 2000.

August 2, 2000

Frank Sanchez, Chair
Board of Boilers

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

~~("API 510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.~~

~~"ASME Code" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.)~~

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must

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be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" or "board" shall mean the board created by law and empowered under RCW 70.79.010.

"Boilers and/or pressure vessels" - below are definitions for types of boilers and pressure vessels used in these regulations:

- **"Condemned boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.
- **"Hot water heater"** shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:
 - * Pressure of 160 psi (1100 kpa);
 - * Temperature of 210 degrees F (99°C);
 - * Capacity of 120 U.S. gallons (454 liters);
 - * Input of 200,000 BTU/hr (58.58 kw).

Each vessel shall be protected with an approved temperature and pressure safety relief valve.

- **"Low pressure heating boiler"** shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.
- **"Nonstandard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- **"Pool heaters"** shall be considered a boiler or unfired pressure vessel unless it meets all of the following criteria:
 - * Appliance used to heat water for swimming pools and spas.
 - * Operates at pump pressure but in no case exceed 15 psig.
 - * Appliance is equipped with a flow switch, or a pressure switch set at a maximum of 15 psig.
 - * There are no intervening stop valves on the inlet or discharge side of the unit. Any valves used for maintaining the appliance must be locked open during operation in accordance with a written program that is acceptable to the inspector.
 - * Discharge piping is not reduced from the engineered sizing of the unit.
 - * Appliance is equipped with an ASME approved pressure relief device set at 15 psig or lower.
 - * Unit is rated at less than 400,000 BTU/hr.
 - * Heating source operation is wired in series with the circulating pump.

* Unit is built to the ASME code or approved by a nationally or internationally recognized testing laboratory.

- **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
 - * Fired process tubular heaters;
 - * Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
 - * Piping whose primary function is to transport fluids from one location to another;
 - * Those vessels defined as low pressure heating boilers or power boilers.
- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

"Certificate of competency" shall mean a certificate issued by the state board of boiler rules to a person who has passed an examination prescribed by the board of boiler rules.

"Code, API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, ASME" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council

of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Commission" shall mean an annual state commission/commission card issued to a person in the employ of the state, an insurance company or a company owner/user inspection agency holding a certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

~~("External inspection" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.~~

~~"Hot water heater" shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:~~

- (a) Pressure of 160 psi (1100 kpa);
- (b) Temperature of 210 degrees F (99 C);
- (c) Capacity of 120 U.S. gallon (454 liters);
- (d) Input of 200,000 BTU/hr (58.58 kw).

~~Each vessel shall be protected with an approved temperature and pressure safety relief valve.)~~

"Inspection, external" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspection, internal" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

~~("Internal inspection" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels 36" inside diameter and under, shall constitute an internal inspection.)~~

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

~~("NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.)~~

"Owner" or "user" shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or "assembly hall" shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-200 Construction—What are the standards for new construction? The standards for new construction are:

(1) ASME Boiler and Pressure Vessel Code, 1998 edition, with addenda Sections I, III, IV, VIII, X, and CSD-1 ~~((for boilers with fuel input ratings less than 12,500,000 BTU/hr))~~ (as referenced in WAC 296-104-265(3));

(2) ASME/ANSI PVHO-1 (Standard for Pressure Vessels for Human Occupancy), 1987 edition; and

(3) Standards of construction meeting the National Board Criteria for Registration of Boilers, Pressure Vessels and Other Pressure Retaining Items, Revision 2, provided ~~((the boilers and unfired pressure vessels))~~ they are registered with the National Board.

These codes and standards may be used on or after the date of issue and become mandatory twelve months after adoption by the board as specified in RCW 70.79.050(2). The board recognizes that the ASME Code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. For nuclear systems, components and parts the time

period for addenda becoming mandatory is defined in the Code of Federal Regulations.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-205 Construction—What are the requirements for nonstandard new construction(?)? Those boilers and unfired pressure vessels that are exempted by the codes adopted in WAC 296-104-200 due to volume, temperature or pressure requirements, and are not to be constructed to those codes, must be certified by a nationally recognized testing agency or constructed to WAC 296-104-230. See WAC 296-104-307 for safety pressure relief devices.

Other boilers and unfired pressure vessels that are not to be constructed to the codes adopted in WAC 296-104-200 may be treated as special designs at the discretion of the board. Nonstandard construction shall not be permitted to avoid standard construction.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-210 Construction—(Special designs?) What are the requirements for construction of boilers and unfired pressure vessels of special design? Boilers and unfired pressure vessels of special design require a special certificate granted by the board. At a minimum the following shall be supplied to obtain board approval for special designs: ~~((Prints))~~ Drawings, design calculations, and a Washington state professional engineer's evaluation of the design. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

AMENDATORY SECTION (Amending WSR 97-20-109, filed 9/30/97, effective 10/31/97)

WAC 296-104-215 Construction—(Nonstandard boilers and unfired pressure vessels?) What are the requirements to use nonstandard boilers and unfired pressure vessels constructed prior to January 1, 1952? Nonstandard boilers and unfired pressure vessels constructed prior to January 1, 1952, may be used provided they have not been moved from their original setting since January 1, 1952.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-220 Construction—(Nonstandard second hand boilers or unfired pressure vessels?) What are the requirements to use nonstandard second hand boilers and unfired pressure vessels? Nonstandard second hand boilers ~~((or))~~ and unfired pressure vessels constructed after January 1, 1952, cannot be used in this state without prior approval of the board of boiler rules. At a minimum the following shall be supplied to obtain board approvals:

~~((Prints))~~ Drawings, a history, design calculations, and a Washington state professional engineer's evaluation of the design and present condition. Upon board approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular inspections required by WAC 296-104-100 and any additional conditions as required by the board.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-230 Construction—What are the testing requirements for new vessels exempted from code requirements for volume, pressure or temperature(?)? Boilers or unfired pressure vessels that are not required by the codes adopted in WAC 296-104-200 to be built to those codes (except those exempted in the RCWs), shall be tested as follows:

One boiler or unfired pressure vessel of each design and size taken from the manufacturer's stock at random, shall be subjected to a hydrostatic test of twice the rated maximum allowable working pressure in the presence of an inspector holding a national board commission. The boiler or unfired pressure vessel shall withstand ~~((a))~~ the hydrostatic pressure ~~((of 150% of its design pressure))~~ test without leaks ~~((or excessive distortion))~~ and without exceeding 80% of the boiler or unfired pressure vessel material's yield strength. Samples shall be taken from the longitudinal seam and tests made as outlined in Section IX ASME Code for root and face bends and reduced tensile coupons. Upon successfully passing the above tests, ~~((a))~~ the maximum allowable working pressure ~~((of its design pressure))~~ will be allowed for all boilers or unfired pressure vessels constructed to identical specifications. The company name, serial number, maximum allowable working pressure, and energy input (if applicable) shall be stamped or marked in a permanent manner on each boiler or unfired pressure vessel. A retest shall be made at the inspector's discretion or by the request of the chief inspector. Any unfired pressure vessels containing water and an air cushion designed for less than 300 psi and 210 degree F, in use prior to January 1, 1997, may be accepted by hydrostatically testing them to twice their maximum allowable working pressure.

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-235 Construction—What are the requirements for code exempted boiler and unfired pressure vessel safety relief valves(?)? The boilers and unfired pressure vessels covered by WAC 296-104-230 shall be protected by the installation of ASME Code relief valves with trial levers, set pressure not to exceed the boiler's or the unfired pressure vessel's design pressure. Relief valves shall be installed on top of the boiler or the unfired pressure vessel or on outlet piping as close as possible to the boiler or unfired pressure vessel, with a minimum of fittings and no valves intervening. The outlet of the relief valve shall be run full size to a safe place and shall not induce stress on the valve.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-21-081, filed 10/16/96, effective 11/16/96)

WAC 296-104-240 Construction—~~((Unfired pressure vessels))~~ **When are piping components((τ)) considered unfired pressure vessels?** When a portion of pipe has significant duties other than the transportation of a liquid, gas, or other material; such as storage, catch basin, scrubber, snubber, absorber, or pulsation dampener, it shall be deemed to be an unfired pressure vessel and shall conform to the rules governing the design, construction, inspection, and stamping of unfired pressure vessels.

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-265 Installation—What control and limit devices are required on boilers? (1) Installations prior to June 1989: All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

- (a) An automatic low-water fuel cut-off; and
- (b) An automatic water feeding device.

(c) All devices shall be designed so that they may be readily tested at frequent intervals.

(2) Installations ~~((from))~~ after June 1989 ~~((to December 1998))~~:

(a) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(i) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.

(ii) Two low-water fuel cut-offs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(iii) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cut-off.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(b) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(i) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.

(ii) One low-water fuel cut-off with a manual reset and independent of the feed water controller.

(iii) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cut-off.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(3) Installations or refits of gas, oil, or combinations of gas or oil after December 1998:

(a) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply

with the fuel train requirements defined in ASME CSD-1, as adopted in WAC 296-104-200 where applicable.

(b) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be filled out and signed by an authorized representative of the manufacturer and/or the installing contractor.

(c) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

AMENDATORY SECTION (Amending WSR 98-22-024, filed 10/28/98, effective 11/28/98)

WAC 296-104-307 Installation—What safety pressure relief devices are required on boilers and pressure vessels? All boiler and pressure vessels shall be safeguarded by safety valves, safety relief valves, or rupture discs as specified in the ASME Code. As an alternative they may be safeguarded by a fail safe pressure relief control system that is evaluated by a professional engineer licensed by the state of Washington and accepted by the chief inspector.

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-502 Repairs—What are the requirements for nonnuclear boilers and unfired pressure vessel repairs and alterations? Repairs and alterations to nonnuclear boilers and pressure vessels shall be made in accordance with the rules of the National Board Inspection Code (NBIC) as adopted in WAC 296-104-102.

Repairs/alterations may be made by:

(1) An organization authorized by the jurisdiction and in possession of a valid Certificate of Authorization for use of the "R" symbol stamp, issued by the National Board provided such repairs/alterations are within the scope of the authorization.

(2) An organization authorized by the chief inspector and in possession of a valid ASME Certificate of Authorization provided such repairs/alterations are within the scope of the organization's Quality Control System. The chief inspector may limit or restrict repairs/alterations for cause.

Owner/user special inspectors may only accept repairs/alterations to boilers and unfired pressure vessels operated by their respective companies per RCW 70.79.130.

Where required, a record of welded repairs/alterations, signed by the organization and a commissioned inspector shall be submitted to the chief inspector.

AMENDATORY SECTION (Amending WSR 99-08-049, filed 4/1/99, effective 5/2/99)

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses((τ))? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

PROPOSED

PROPOSED

		Internal	External	
Heating boilers:				
Cast iron—All sizes		27.05	21.65	For each hour or part of an hour in excess of 8 hours 48.75
All other boilers less than 500 sq. ft.		32.50	21.65	When insurance company is authorized inspection agency:
500 sq. ft. to 2500 sq. ft.		54.15	27.05	For each hour or part of an hour up to 8 hours 48.75
Each additional 2500 sq. ft. of total heating surface, or any portion thereof		21.65	10.80	For each hour or part of an hour in excess of 8 hours 75.80
Power boilers:		Internal	External	Expenses shall include:
Less than 100 sq. ft.		27.05	21.65	Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.
100 sq. ft. to less than 500 sq. ft.		32.50	21.65	
500 sq. ft. to 2500 sq. ft.		54.15	27.05	
Each additional 2500 sq. ft. of total heating surface, or any portion thereof		21.65	10.80	
Pressure vessels:				Reinspection fee: Same as the fee for the previous inspection during which discrepancies were reported. The fee will be charged only if the discrepancies are not corrected before the reinspection. The fee shall not exceed \$ 26.00. Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$300.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.
Automatic utility hot water supply heaters per RCW 70.79.090			5.40	
All other pressure vessels:				
Square feet shall be determined by multiplying the length of the shell by its diameter.				
		Internal	External	
Less than 15 sq. ft.		21.65	16.25	
15 sq. ft. to less than 50 sq. ft.		32.50	16.25	
50 sq. ft. to 100 sq. ft.		37.90	21.65	
For each additional 100 sq. ft. or any portion thereof.		10.80	37.90	
Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$16.25 per object.				
Nonnuclear shop inspections, field construction inspections, and special inspection services:				
For each hour or part of an hour up to 8 hours			32.50	
For each hour or part of an hour in excess of 8 hours			48.75	
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:				
For each hour or part of an hour up to 8 hours			48.75	
For each hour or part of an hour in excess of 8 hours			75.80	
Nonnuclear triennial shop survey and audit:				
When state is authorized inspection agency:				
For each hour or part of an hour up to 8 hours			32.50	

AMENDATORY SECTION (Amending Order 87-10, filed 5/21/87)

WAC 296-104-701 What are the civil penalties((c))?

(1) An owner, user, or operator of a boiler or pressure vessel that violates a provision of chapter 70.79 RCW, or of the rules adopted under that chapter, is liable for a civil penalty based on the following schedule.

Operating under pressure a boiler or pressure vessel which the department has condemned, has issued a red tag or has suspended the inspection certificate:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Each day of such unlawful operation shall be deemed a separate offense.

Operating under pressure a boiler or pressure vessel without a valid inspection certificate:

First offense	\$ 50.00
Second offense	\$100.00
Each additional offense	\$200.00

Each day of such unlawful operation shall be deemed a separate offense.

Installation of a boiler or pressure vessel without meeting prior filing requirements of WAC 296-104-020:

First offense	\$100.00
Second offense	\$200.00
Each additional offense	\$500.00

Performing a repair to a boiler or pressure vessel, involving welding to a pressure retaining part, without meeting requirements of WAC ((296-104-500)) 296-104-502:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Performing an alteration to a boiler or pressure vessel without meeting requirements of WAC ((296-104-501)) 296-104-502:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Performing resetting, repair or restamping of safety valves, safety relief valves, or rupture discs, without meeting requirements of WAC 296-104-515:

First offense	\$150.00
Second offense	\$300.00
Each additional offense	\$500.00

Failure of owner to notify chief inspector in case of accident which serves to render a boiler or unfired pressure vessel inoperative, as required by WAC 296-104-025:

Each offense	\$100.00
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Failure to comply with a noncompliance report requirement:

Within 90 days	\$100.00
Within 91-180 days	\$250.00
Within 181-270 days	\$400.00
Within 271-360 days	\$500.00

(2) The department shall by certified mail notify a person of its determination that the person has violated this section.

(3) Any person aggrieved by an order or act under the boiler and unfired pressure vessels law or under the rules and regulations may, within fifteen days after such order or act, appeal to the board of boiler rules.

(4) Each day that a violation occurs will be a separate offense. A violation will be a second or additional offense only if it occurs within one year from the first violation.

WSR 00-16-154
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed August 2, 2000, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-12-005.

Title of Rule: Public safety cougar removal.

Purpose: Allow use of hounds in cougar removal.

Statutory Authority for Adoption: Chapter 248, Laws of 2000.

Statute Being Implemented: Chapter 248, Laws of 2000.

Summary: Establish conditions which allow use of hounds to remove cougars, identify removal levels, provide for area selection, and establish participation and reporting requirements.

Reasons Supporting Proposal: Cougar populations in selected areas have increased to the point that cougar-human interactions represent a safety threat. Use of hounds is the most effective method of removal.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2206; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 2000 legislature passed an amendment to RCW 77.16.360 which provides for the use of hounds to remove cougars that represent a threat to public safety. These rules establish the conditions that warrant a cougar removal, establish the number of cougars that can be removed, provide a method of selecting the areas for cougar removal, establish a cougar removal permit selection mechanism, and establish reporting requirements. It is anticipated that approximately seventy-five cougars will be removed under the permit system.

Proposal Changes the Following Existing Rules: Allows use of hounds to take cougars.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunters.

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

Hearing Location: Wenatchee Red Lion, 1225 North Wenatchee Avenue, Wenatchee, WA, on September 16, 2000, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by September 2, 2000, TDD (360) 902-2295, or (902) [(360)] 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, fax (360) 902-2942, by September 15, 2000.

PROPOSED

Date of Intended Adoption: September 16, 2000.
 August 2, 2000
 Evan Jacoby
 Rules Coordinator

North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLW-MAs	July 15 - Nov. 10	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 10	Long Island

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-272 2000-2001, 2001-2002 and 2002-2003 Black bear and cougar hunting seasons and regulations.

Black Bear Seasons:

Hunt Name	2000 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5 - Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5 - Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 12	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLW-MAs	July 15 - Nov. 12	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 12	Long Island

Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4 - Nov. 4	GMUs 101-117
Blue Mt.	Sept. 4 - Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 11	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLW-MAs	July 15 - Nov. 11	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 11	Long Island

Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3 - Nov. 3	GMUs 101-117
Blue Mt.	Sept. 3 - Nov. 3	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 10	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684

License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Harvest Report Cards: All hunters that purchase a big game hunting license which includes black bear as an option are required to fill out and return their black bear harvest report card(s). Successful hunters must complete the report card(s) and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card(s) within 10 days after the close of the bear season.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Season:

General Statewide Season:
 Aug. 1, 2000 - Mar. 15, 2001;
 Aug. 1, 2001 - Mar. 15, 2002; and
 Aug. 1, 2002 - Mar. 15, 2003.

Public safety cougar removals:
December 16, 2000 - March 15, 2001, in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar, not to exceed removal of more than seventy-four cougar during the 2000-2001 removal, unless otherwise authorized by the commission.

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per ~~(annual hunting season)~~ license year of which no more than one may be taken in a public safety cougar removal. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

PROPOSED

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited ((statewide)) except during a public safety cougar removal.

Harvest Report Cards: All hunters that purchase a big game license which includes cougar as a species option are required to fill out and return their cougar harvest report card. Successful hunters must complete the report card and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card within 10 days after the close of the cougar season.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

Public safety cougar removals—Permit selection procedure.

(1) Public safety cougar removal will be authorized when human-cougar safety incidents, including pet or live-stock depredations, in a selected area of a game management unit equal or exceed four per year and confirmed cougar sightings in the same area are seven or more per year. Removal authority shall allow removal of one cougar per one hundred twenty square kilometers in preferred cougar habitat, and one cougar per four hundred thirty square kilometers in marginal cougar habitat.

(2) To apply for a public safety cougar removal permit (permit), applicants must have a valid big game hunting license which includes cougar as a species option, must either be a hound hunter or accompany a hound hunter, and, prior to participating in a removal, must have completed the department public safety cougar removal education course. Hunters who have taken two cougars during the current licensing year are not eligible to apply for a permit.

(3) Applications:

(a) To be eligible for a permit, each application must include a valid permit area, and the applicant's complete name, correct mailing address, date of birth, and a valid Washington big game hunting license number.

(b) Partnership applications will be accepted. A partnership consists of two hunters. If a partnership application is drawn, each hunter will receive a permit and each hunter can take a cougar.

(c) Hound hunters may participate in removals either as permit hunters, who may take a cougar, or as hound handlers, who may assist permit hunters, but who may not take a cougar. Hound handlers may assist more than one permit hunter.

(d) Application deadline: To qualify for a 2000-2001 permit hunt, all applications must be postmarked no later than October 20, 2000, or received at department headquarters or

a department regional office no later than 5:00 p.m. on October 20, 2000.

(4) An applicant's name may appear on only one removal permit application. If an applicant's name appears on more than one application, all applications are ineligible for the drawing and no points will be accrued for that year. For partnership applications that are ineligible because one of the partners has the hunter's name on more than one application, both applicants will be made ineligible for the drawing and no points will be accrued for that year.

(5) Permits will be drawn by computer selection using a weighted point selection system.

(6) To be eligible to accrue points, each application must include either a valid Social Security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of Social Security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(7) Inaccurate applications:

(a) If an applicant makes a mistake, applies for the wrong permit area, and is drawn, the permit may be returned to the department of fish and wildlife Olympia headquarters by December 15, 2000. The applicant's points will be restored to the condition they were in prior to the drawing.

(b) If an applicant inaccurately submits the hunter's identification number on an application, no points will be accrued for that year under the correct identification number.

(8) All applicants will receive notice of drawing results by November 17, 2000, for the 2000-2001 removals.

(9) Permit holders must have a valid, unused cougar transport tag and cougar harvest report card in possession to participate in a public safety cougar removal.

**WSR 00-16-155
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 2, 2000, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-04-062.

Title of Rule: Repurchase of service credit.

Purpose: Revision of repurchase of service credit rules to incorporate references to chapter 41.34 and 41.35 RCW.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.50.165, chapter 41.34 and 41.35 RCW.

Summary: Revise repurchase of service credit to include references to teachers' retirement system Plan 3 and school employees' retirement system.

PROPOSED

Reasons Supporting Proposal: Clarify existing rules and bring them into conformity with new administrative practices involving recordkeeping.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Tim Valencia, 6835 Capitol Boulevard, Tumwater, WA, (360) 664-7117.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The repurchase of service credit rules are revised to include references to teachers' retirement system (TRS) Plan 3 and school employees' retirement system (SERS). These retirement systems were created after the repurchase of service rules were written.

Proposal Changes the Following Existing Rules: WAC 415-10-010 has been revised to change a reference to the economic and revenue forecast council to the pension funding council.

The following WACs are changed to include references to TRS Plan 3 and SERS: WAC 415-10-020, 415-10-030, and 415-10-050.

The following WACs have been revised solely to use arabic rather than roman numeral references: WAC 415-10-040, 415-10-080, and 415-10-100.

The following new rule is proposed: WAC 415-10-110 has been drafted to explain how employees can transfer service credit from SERS Plan 2 to SERS Plan 3.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the deferred compensation plan administered by DRS. No private businesses are affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. DRS is not one of the agencies that RCW 34.05.328 applies to. DRS does not opt to voluntarily bring itself within the coverage of that statute.

Hearing Location: Department of Retirement Systems, Boardroom, 3rd Floor, 6835 Capitol Boulevard, Tumwater, WA, on September 8, 2000, at 1:00-3:00 p.m.

Assistance for Persons with Disabilities: Contact Amy Martin by September 7, 2000, 5:00 p.m., TDD (360) 586-5450.

Submit Written Comments to: Elyette Weinstein, Department of Retirement Systems, P.O. Box 48330, Olympia, WA 98504-8380, fax (360) 753-3166, by September 8, 2000.

Date of Intended Adoption: September 8, 2000.

August 2, 2000
Elyette Weinstein
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-010 Can I purchase service credit after the statutory deadline? RCW 41.50.165 generally allows

you to purchase service credit you failed to establish or reestablish within the statutory deadline.

(1) **You must pay the actuarial value of the increase to your retirement allowance.** The actuarial value of the increase to your benefit means the cost to the retirement system trust fund of:

(a) Including the additional service credit in your retirement allowance calculation; and

(b) Commencing your retirement allowance at an earlier age, if applicable. This second factor will not apply if your retirement system is LEOFF ((H)) 1, LEOFF ((H)) 2, PERS ((H)) 2, or TRS ((H)) 2, because length of service is not a factor in determining eligibility to retire in those systems.

(2) **The valuation is based upon economic assumptions.** The cost to the retirement system trust fund for the increased value to your benefit is calculated based upon interest rate assumptions adopted by the ~~((economic and revenue forecast))~~ pension funding council and actuarial factors adopted or approved by the state actuary.

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-020 Definitions. As used in this chapter:

(1) "Average earnings" means:

(a) The average of your two highest consecutive years of compensation as of the date of your service credit purchase if you are purchasing service credit in PERS Plan ((H)) 1, TRS Plan ((H)) 1 or WSPRS;

(b) The average of your five highest consecutive years of compensation as of the date of your service credit purchase if you are purchasing service credit in Plan ((H)) 2 or Plan 3.

(c) The basic salary attached to your position at the date of your service credit purchase if you are purchasing service credit in LEOFF Plan ((H)) 1.

(2) "Factor 1" means the actuarial cost factor calculated by the state actuary and adopted by the department. The actual factor used varies depending upon the time between the date of payment and the projected date of retirement. Generally, the longer the gap between date of payment and date of retirement the lower the factor.

(3) "Factor 2" is the actuarial factor calculated by the state actuary based upon demographic differences between the membership of the different retirement systems. Those factors are: .00788 (PERS ((H)) 1); .00698 (TRS ((H)) 1); and .00908 (WSPRS).

(4) "Factor 3" means the interest factor calculated by the state actuary and adopted by the department. This factor is used only when the service credit purchase lowers the projected retirement age and is based upon the higher cost to the system of the earlier retirement.

(5) "LEOFF" means the law enforcement officers' and fire fighters' retirement system established under chapter 41.26 RCW.

(6) "PERS" means the public employees' retirement system established under chapter 41.40 RCW.

(7) "Plan ((H)) 1" means the retirement system plan that includes persons who established membership before October 1, 1977. PERS((-TRS)) and LEOFF are divided into Plan

~~(F)~~ 1 and Plan ~~(H)~~ 2. TRS is divided into Plan 1, Plan 2 and Plan 3. WSPRS has only one plan.

(8) "Plan ~~(H)~~ 2" means the retirement system plan that includes persons who established membership on or after October 1, 1977. PERS(~~(-TRS)~~) and LEOFF are divided into Plan ~~(F)~~ 1 and Plan ~~(H)~~ 2. TRS is divided into Plan 1, Plan 2 and Plan 3. SERS is divided into Plan 2 and Plan 3. WSPRS has only one plan.

(9) "Plan ~~(H)~~ 3" means the teachers' retirement system Plan ~~(H)~~ 3 established by RCW 41.32.831 and the school employees' retirement system Plan 3 established by RCW 41.35.600.

(10) "Service credit being purchased" means the number of service credit months or service credit years you are purchasing.

(11) "TRS" means the teachers' retirement system established under chapters 41.32 and 41.34 RCW.

(12) "WSPRS" means the Washington state patrol retirement system established under chapter 43.43 RCW.

(13) "Years of earlier retirement" equals the number of years or fractions of years you will be able to retire earlier as a result of your purchase of service credit.

(14) "Years of service" equals the total anticipated years of service you will have accrued at retirement, including the additional service credit you purchase under this section.

(15) "SERS" means the school employees' retirement system established under chapters 41.34 and 41.35 RCW.

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-030 Calculation of cost to purchase service credit in LEOFF Plan ~~(F)~~ 1, LEOFF Plan ~~(H)~~ 2, PERS Plan ~~(H)~~ 2, ~~(-or)~~ TRS Plan ~~(H)~~ 2, TRS Plan 3, SERS Plan 2 or SERS Plan 3. If you are a member of LEOFF Plan ~~(F)~~ 1, LEOFF Plan ~~(H)~~ 2, PERS Plan ~~(H-OR)~~ 2, TRS Plan ~~(H)~~ 2, TRS Plan 3, SERS Plan 2 or SERS Plan 3, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following formula:

$$\text{Average Earnings} \cdot \text{Service Credit Being Purchased} \cdot \text{Factor 1} = \text{Cost to purchase service credit}$$

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-040 Calculation of cost to purchase service credit for members of PERS ~~(F)~~ 1, TRS ~~(F)~~ 1 or WSPRS. If you are a member of PERS ~~(F)~~ 1, TRS ~~(F)~~ 1 or WSPRS, the department will calculate the actuarial value of the service credit you purchase under RCW 41.50.165(2) using the following three part formula:

Part 1 Cost =	Part 2 Cost =
Service Credit Being Purchased	Years of Service
x	x
Average Earnings	Average Earnings

x	x
Factor 1	Factor 2
	x
	Years of Earlier Retirement
	x
	Factor 3

Cost to purchase service credit = Part 1 Cost+ Part 2 Cost.

The Part 1 Cost represents the cost of including the additional service in your retirement allowance calculation. The Part 2 Cost represents the cost of commencing your retirement allowance at the earliest possible age.

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-050 Restrictions on purchasing service credit. (1) **You may not purchase service credit under RCW 41.50.165(2) if your deadline to establish or reestablish the service credit has not expired.**

(2) **If you are reestablishing credit you must purchase at least the service credit you earned in any one calendar month of employment.**

(3) **If you are establishing credit for the first time you must purchase the entire period of service.** If you are not reestablishing credit canceled by a withdrawal of contributions, you must purchase the entire period of service.

(4) **Your ability to purchase service credit may be limited by Internal Revenue Code restrictions.** The department may limit the amount of service credit you may purchase in any calendar year in order to stay within the maximum employee contribution limits established by the Internal Revenue Code for 401(a) tax qualified plans.

(5) **You may not make installment payments.** If you purchase service credit under this section, you must make payment in a single lump-sum as determined by the department for each unit of service credit purchased.

(6) **Purchasing service credit (~~for periods prior to October 1, 1977,~~) will not move you from (~~Plan 1 to Plan H~~) one plan to another.** Plan membership is based upon the date your retirement system membership was established. Purchasing prior service credit does not change the date you first established membership and therefore does not change your plan membership.

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-080 If I purchase service credit, can I receive a refund of my payments? (1) **You may not receive a refund unless you separate from service and withdraw your contributions.** Except as provided under subsections (2) and (3) of this section, your payments to purchase service credit under RCW 41.50.165(2) qualify as a part of your accumulated contributions. As with other accumulated contributions, you may not receive a refund of your payments

PROPOSED

unless you separate from service and withdraw all your contributions.

(2) **Additional restrictions for TRS ((H)) 1 members.** If you are a TRS ((H)) 1 member, RCW 41.32.498(2) prohibits you from withdrawing payments made to purchase service credit under RCW 41.50.165(2) at the time of retirement.

(3) **Additional restrictions for LEOFF ((H)) 2 members.** If you are a LEOFF Plan ((H)) 2 member, payments made to purchase service credit under RCW 41.50.165(2) and interest on those payments may be refunded. However, such payments may not be included when calculating the one hundred fifty percent refund of contributions under RCW 41.26.540.

AMENDATORY SECTION (Amending WSR 97-01-014, filed 12/6/96, effective 1/6/97)

WAC 415-10-100 Can I purchase TRS Plan ((H)) 2 credit in TRS Plan ((H)) 3? Yes. (1) **Transferring purchased TRS Plan ((H)) 2 credit into TRS Plan ((H)) 3.** If you purchase TRS Plan ((H)) 2 service credit under this chapter and later elect to enter TRS Plan ((H)) 3, that credit will also transfer to TRS Plan ((H)) 3. Fifty percent of the money you paid to purchase the service credit will be credited to the TRS Plan ((H)) 3 defined contribution account established under chapter 41.34 RCW. The other fifty percent will be credited to the TRS Plan ((H)) 3 defined benefit portion established under RCW 41.32.831.

(2) **Purchasing TRS Plan ((H)) 2 service credit after transferring to TRS Plan ((H)) 3.** You may purchase service credit initially available under TRS Plan ((H)) 2 after you transfer to TRS Plan ((H)) 3. The service will be credited in TRS Plan ((H)) 3. Fifty percent of the money you pay to purchase the service credit will be credited to the TRS Plan ((H)) 3 defined contribution account established under chapter 41.34 RCW. The other fifty percent will be credited to the TRS Plan ((H)) 3 defined benefit portion established under RCW 41.32.831.

(3) **Service earned after transferring to TRS Plan ((H)) 3 cannot be purchased.** Service earned as a Plan ((H)) 3 member is automatically recredited if the member reenters membership and earns at least twelve service credit months. Plan ((H)) 3 does not have any deadlines on establishing optional service. Because there are no deadlines for establishing or reestablishing service credit there is no provision for purchasing service credit earned in Plan ((H)) 3 under RCW 41.50.165

NEW SECTION

WAC 415-10-110 Can I purchase SERS Plan 2 credit in SERS Plan 3? Yes. (1) **Transferring purchased SERS Plan 2 credit into SERS Plan 3.** If you purchase SERS Plan 2 service credit under this chapter and later elect to enter SERS Plan 3, that credit will also transfer to SERS Plan 3. Fifty percent of the money you paid to purchase the service credit will be credited to the SERS Plan 3 defined contribution account established under chapter 41.34 RCW. The

other fifty percent will be credited to the SERS Plan 3 defined benefit portion established under RCW 41.35.600.

(2) **Purchasing SERS Plan 2 service credit after transferring to SERS Plan 3.** You may purchase service credit initially available under SERS Plan 2 after you transfer to SERS Plan 3. The service will be credited in SERS Plan 3. Fifty percent of the money you pay to purchase the service credit will be credited to the SERS Plan 3 defined contribution account established under chapter 41.34 RCW. The other fifty percent will be credited to the SERS Plan 3 defined benefit portion established under RCW 41.35.600.

(3) **Service earned after transferring to SERS Plan 3 cannot be purchased.** Service earned as a Plan 3 member is automatically recredited if the member reenters membership and earns at least twelve service credit months. Plan 3 does not have any deadlines on establishing optional service. Because there are no deadlines for establishing or reestablishing service credit there is no provision for purchasing service credit earned in Plan 3 under RCW 41.50.165.

**WSR 00-16-158
PROPOSED RULES
PARKS AND RECREATION
COMMISSION**

[Filed August 2, 2000, 11:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-12-094.

Title of Rule: Chapter 352-70 WAC, Boating accident and casualty reports, this chapter of administrative rules establishes the procedure for recreational boaters to report pertinent information regarding a boating accident to the state Parks and Recreation Commission.

Purpose: This proposed rule-making action is the result of the commission's pursuit of Executive Order 97-02 regulatory improvement and the recodification of Title 79A RCW. This chapter was reviewed for clarify, grammar, efficiency, and effectiveness in meeting the needs of recreational boaters and the state-wide recreational boating safety program administered by the commission pursuant to RCW 79A.05.310. The chapter was also updated to reflect the recodification of Title 79A RCW of administrative rules.

Other Identifying Information: The Code of Federal Regulations Title 33, Chapter I PART 174 - State Numbering and Casualty reporting system.

Statutory Authority for Adoption: RCW 79A.05.310(4).
Statute Being Implemented: RCW 79A.05.310(4).

Summary: This chapter is proposed for revision in order to improve the participation and compliance of the general public, affected local government law enforcement agencies, and all recreational boating interests. There are no substantive changes proposed.

Reasons Supporting Proposal: These amendments are proposed as a result of the agency's fifteen years experience in administering the recreational boating accident reporting program and its desire to meet the expectations of regulatory improvement.

Name of Agency Personnel Responsible for Drafting: Jim French, Washington State Parks, P.O. Box 42650, Olympia, WA 98504, (360) 902-8615; Implementation: James Horan, Washington State Parks, P.O. Box 42650, Olympia, WA 98504, (360) 902-8580; and Enforcement: Mark Kenny, Washington State Parks, P.O. Box 42650, Olympia, WA 98504, (360) 902-8510.

Name of Proponent: Washington State Parks, Boating Programs Office, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This chapter provides for the reporting of recreational boating accidents to a central state agency for collection of accident data and the development of accident prevention strategies. The chapter requires recreational boat operators to submit a written boating accident report to the law enforcement agency that has jurisdiction where the accident occurs. When the operator can not complete and submit the report the owner of the boat must complete the reporting requirements. When neither the operator nor the owner can complete the report the law enforcement agency having jurisdiction must complete and submit the report. The chapter specifies the content of a boating accident report and the manner of submitting the report.

The commission anticipates these amendments will clarify the rule and streamline the reporting process.

Proposal Changes the Following Existing Rules: The proposed amendments present boating accident reporting requirements in clear, usable language. Recreational boat operators will have a better understanding of their legal responsibilities for reporting boating accident information and the method of reporting.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This chapter of administrative rule does not regulate or have economic impact through regulations on small business. There are no compliance costs to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant legislative rule-making requirements are not imposed on the state Parks and Recreation Commission, nor has the commission voluntarily applied those requirements.

Hearing Location: Long Beach, Washington, on September 22, 2000, at 9:00 a.m. The meeting site can be obtained by contacting Paul Malmberg at Washington State Parks, Southwest Region Office, 11838 Tilley Road South, Olympia, WA 98512-9167, phone (360) 753-7143, fax (360) 586-4272.

Assistance for Persons with Disabilities: Contact Paul Malmberg at the address above by September 8, 2000, or by phone (360) 753-7143.

Submit Written Comments to: Washington State Parks, Attention: James Horan, 7150 Cleanwater Lane, P.O. Box 42560, Olympia, WA 98504-2650, phone (360) 902-8580, fax (360) 753-1594, e-mail James.Horan@parks.wa.gov.

Date of Intended Adoption: September 22, 2000.

August 22, 2000

Jim French

Senior Policy Advisor

Chapter 352-70 WAC

THE STATE BOATING ACCIDENT ((AND CASUALTY REPORTS)) REPORTING PROGRAM

AMENDATORY SECTION (Amending WSR 93-20-018, filed 9/24/93, effective 10/24/93)

WAC 352-70-010 ((Purpose)) What is the state boating accident reporting program? ((This chapter is promulgated in accordance with RCW 43.51.400 and 88.12.130 in order to establish procedures by which boating accident and casualty reports are to be submitted to the Washington state parks and recreation commission and to the law enforcement agencies having jurisdiction.)) The state boating accident reporting program sets out the procedures, established under RCW 79A.60.200, boat operators must use to report pertinent boating accident information to the law enforcement agency having jurisdiction where an accident occurs. Through this program, all reports of boating accidents are forwarded to the Washington state parks and recreation commission for the confidential use of government agencies for analysis and development of accident prevention programs or as otherwise permitted by RCW 79A.60.210. The state boating accident reporting program is consistent with the regulations administered by the United States Coast Guard as required by RCW 79A.05.310.

AMENDATORY SECTION (Amending WSR 93-20-018, filed 9/24/93, effective 10/24/93)

WAC 352-70-020 ((Definitions)) What words and phrases are used in the state boating accident reporting program? ((When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or)) Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the Washington state parks and recreation commission.

(2) "Operator" means an individual who steers, directs, or otherwise has control of a vessel that is underway or exercises actual authority to control the person at the helm.

(3) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(4) "Use" means operate, navigate, or employ.

(5) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

PROPOSED

(6) "Waters of Washington state" means any waters within the territorial limits of Washington state.

AMENDATORY SECTION (Amending Order 73, filed 12/19/83)

WAC 352-70-030 (~~(Applicability.)~~) **Which vessels are subject to the state boating accident reporting program?** (1) (~~(This chapter applies)~~) **The requirements for reporting boating accidents apply** to each vessel used on the waters of Washington state that:

(a) Is used by its operator for recreational purposes; or
(b) Is required to register in accordance with chapter 88.02 RCW (~~(88.02.030)~~).

(2) This chapter does not apply to each vessel required to have a certificate of inspection in accordance with chapter I, Title 46, Code of Federal Regulations.

NEW SECTION

WAC 352-70-035 **Who is required to submit a boating accident report?** (1) The operator of the vessel must submit a boating accident report when the vessel is involved in an occurrence that results in any of the following:

(a) A person dies;
(b) A person is injured and requires medical treatment beyond first aid;
(c) A vessel or vessels and other property sustain damage totaling more than five hundred dollars;
(d) A vessel is a complete loss; or
(e) A person disappears from the vessel under circumstances that indicate death or injury.

(2) When the operator of the vessel cannot submit the report required by this section, the owner shall submit the report, and, if the owner cannot submit the report, the law enforcement agency that has jurisdiction where the accident occurred shall submit the report on behalf of the owner.

AMENDATORY SECTION (Amending WSR 93-20-018, filed 9/24/93, effective 10/24/93)

WAC 352-70-040 (~~(Written accident and casualty report.)~~) **How does the operator of a vessel report a boating accident?** (~~((+))~~) The operator of a vessel (~~(shall submit a complete written report to the law enforcement agency that has jurisdiction where the accident occurred. The report shall be on a form prescribed by the commission in WAC 352-70-050. The report shall be submitted when as a result of an occurrence that involves the vessel or its equipment:~~

(a) A person dies;
(b) A person is injured and requires medical treatment beyond first aid;
(c) ~~Damage to the vessel and other property totals more than five hundred dollars or there is a complete loss of a vessel; or~~

(d) ~~A person disappears from the vessel under circumstances that indicate death or injury.~~

(2) ~~A report required by this section must be submitted within forty-eight hours of the occurrence if a person dies~~

~~within twenty-four hours of the occurrence, is injured and requires medical treatment beyond first aid, or disappears from a vessel.~~

~~All other reports required by this section must be submitted within ten days of the occurrence.~~

(3) ~~If the operator of a vessel cannot submit the report required by this section, the owner shall submit the report, and, if the owner cannot submit the report, the law enforcement agency that has jurisdiction where the accident occurred shall complete the report on behalf of the owner.~~

(4) ~~The completed report shall be submitted to the commission by the law enforcement agency that has jurisdiction within ten days of receiving or completing the report)) involved in a boating accident or the owner of the vessel reporting for the operator must complete and submit a written boating accident report to the law enforcement agency that has jurisdiction where the accident occurred within the specified times listed here:~~

(1) Within forty-eight hours of the occurrence if a person dies within twenty-four hours of the accident;

(2) Within forty-eight hours of the occurrence if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and

(3) Within ten days of the occurrence for all other boating accident reports.

(4) All reports must be submitted on the state boating accident report form published by the commission as defined in WAC 352-70-050.

AMENDATORY SECTION (Amending WSR 93-20-018, filed 9/24/93, effective 10/24/93)

WAC 352-70-050 (~~(Content of written accident and casualty report.)~~) **What information must be provided on the state boating accident report form?** (~~(Each written report required by WAC 352-70-040 shall be on a form prescribed by the commission. Each report must be dated upon completion.)~~) **The state boating accident report form published by the commission must be completed in writing, signed and dated by the person ((who prepared)) completing it(;) and must contain, if available, ((at least)) the following information about the boating accident ((or casualty)):**

(1) The registration numbers or names as documented of each vessel involved.

(2) The name and address of each owner of each vessel involved.

(3) The name of the nearest city or town, the county, the state, and the body of water.

(4) The time and date the accident (~~(or casualty)~~) occurred.

(5) The location on the water.

(6) The visibility, weather, and water conditions.

(7) The estimated air and water temperatures.

(8) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator of the vessel of the person making the report.

(9) The name and address of each operator of each other vessel involved.

(10) The number of persons on board and towed on skis by each vessel.

(11) The name, address, and date of birth of each person injured or killed.

(12) The cause of each death.

(13) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(14) The name and address of each owner of property involved.

(15) The number, availability, and use of personal flotation devices.

(16) The type and amount of each fire extinguisher used.

(17) The nature and extent of each injury.

(18) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(19) A description of each equipment failure that caused or contributed to the cause of the accident (~~(or casualty)~~).

(20) A description of the vessel accident (~~(or casualty)~~).

(21) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other) and the type of accident (capsizing, sinking, fire, explosion, or other).

(22) The opinion of the person making the report as to the cause of the accident (~~(or casualty)~~) including whether or not alcohol or drugs, or both, was a cause or contributed to causing the (~~(casualty)~~) accident.

(23) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horse power, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year) of the vessel of the person making the report.

(24) The name, address, and telephone number of each witness.

(25) The manufacturer's hull identification number, if any, of the vessel of the person making the report.

(26) The name, address, and telephone number of the person submitting the report.

AMENDATORY SECTION (Amending WSR 93-20-018, filed 9/24/93, effective 10/24/93)

WAC 352-70-060 (~~(Submission of notification and report.)~~) **How is a boating accident report submitted to the commission?** (~~(The report required by this chapter shall be submitted to the commission at the following address by the law enforcement agency that has jurisdiction where the accident occurred.)~~) **The law enforcement agency that has jurisdiction where a boating accident occurs must submit the state boating accident report form within ten days of receiving, or completing the report to the commission at the following address:**

Washington State Parks and
Recreation Commission
Boating Programs
7150 Cleanwater Lane
P.O. Box 42654
Olympia, Washington 98504-2654

PROPOSED



WSR 00-16-079
EXPEDITED ADOPTION
DEPARTMENT OF ECOLOGY
 [Order 00-15—Filed July 28, 2000, 3:47 p.m.]

Title of Rule: WAC 173-422-031 Vehicle emission inspection schedule and 173-422-170 Exemptions.

Purpose: Comply with revisions to state law regarding when emission inspections of vehicles can be required.

Statutory Authority for Adoption: RCW 70.120.120.

Statute Being Implemented: RCW 46.16.015 [(2)](j).

Summary: State which model-year vehicles are required to have an emission inspection in a given year.

Reasons Supporting Proposal: Needed to comply with revisions to state law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Raymond, Olympia, (360) 407-6856.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule revision is to comply with changes in state law regarding which vehicles are required to be emission inspected. The testing schedule and exemptions provisions are changed accordingly. Some vehicle owner confusion is expected because of these changes.

Proposal Changes the Following Existing Rules: The present rule incorrectly requires the inspection of some vehicles not yet five years old. While this mistake has been corrected administratively, a rule revision is needed that states when different model-year vehicles are required to have an emission inspection.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, AND RECEIVED BY October 3, 2000.

July 28, 2000
 Daniel Silver
 Deputy Director

NEW SECTION

WAC 173-422-031 Vehicle emission inspection schedules. (1) Vehicles five through twenty-five years old, other than state and local government vehicles, shall be inspected every other year as described in the table below. This does not apply to vehicles that have already been

inspected during the current licensing period due to a change of ownership.

<u>Year</u>	<u>Model Year of Vehicles Needing Inspection</u>
2000	1976, 1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994
2001	1977, 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996
2002	1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997
2003	1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998
2004	1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999
2005	1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000
2006	1982, 1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001
2007	1983, 1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002
2008	1984, 1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003
2009	1985, 1987, 1989, 1991, 1993, 1995, 1996, 1998, 2000, 2002, 2004
2010	1986, 1988, 1990, 1992, 1994, 1997, 1999, 2001, 2003, 2005

(2) State and local government vehicles five through twenty-five years old shall be inspected yearly as described in the table below.

<u>Year</u>	<u>Model Year of Vehicles Needing Inspection</u>
2000	1975 through 1995
2001	1976 through 1996
2002	1977 through 1997
2003	1978 through 1998
2004	1979 through 1999
2005	1980 through 2000
2006	1981 through 2001
2007	1982 through 2002
2008	1983 through 2003
2009	1984 through 2004
2010	1985 through 2005

AMENDATORY SECTION (Amending Order 99-19, filed 11/22/99, effective 12/31/99)

WAC 173-422-170 Exemptions. The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith pur-

EXPEDITED ADOPTION

chases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(3) Motor vehicles that use propulsion units powered exclusively by electricity.

(4) Motor-driven cycles as defined in chapter 46.04 RCW as amended.

(5) Farm vehicles as defined in chapter 46.04 RCW as amended.

(6) Vehicles not required to be licensed.

(7) Mopeds as defined in chapter 46.04 RCW as amended.

(8) Vehicles garaged and operated out of the emission contributing area.

(9) Vehicles registered with the state but not for highway use.

(10) Used vehicles at the time of sale by a Washington licensed motor vehicle dealer.

(11) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so registered by the department of licensing.

(12) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and or inspection procedures may be established.

(13) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.

(14) ~~((To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with model year matching (even to even, odd to odd) the expiration year of the license being purchased. This exemption does not apply to vehicles being inspected because the registered owner is being changed. However, (a) an emission inspection used to change the registered owner may also be used to renew the current license; (b) an emission inspection used to obtain the current license may also be used to change the registered owner.~~

~~(15) When the difference between the model year of the vehicle and the expiration year of the license being purchased is four or less.~~

~~(16) When the difference between the model year of the vehicle and the expiration year of the license being purchased is twenty-six or greater.)~~ Vehicles less than five years old.

(15) Vehicles more than twenty-five years old.

Statutory Authority for Adoption: RCW 21.20.320(9), 21.20.450.

Statute Being Implemented: RCW 21.20.320(9).

Summary: In a prior amendment to WAC 460-44A-504, a portion of the text to be adopted was not underlined as required by RCW 34.05.395. This resulted in a "Reviser's note" related to the current version of WAC 460-44A-504. This rule-making notice will correct that error.

Reasons Supporting Proposal: Correction of this typographical error is necessary to remove the reviser's note.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In a prior amendment to WAC 460-44A-504, a portion of the text to be adopted was not underlined as required by RCW 34.05.395. This rule-making notice will correct that error and result in removal of the current reviser's note relating thereto.

Proposal Changes the Following Existing Rules: As discussed above, in a prior amendment to WAC 460-44A-504, a portion of the text to be adopted was not underlined as required by RCW 34.05.395. This rule-making notice will correct that error.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO William M. Beatty, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, AND RECEIVED BY October 2, 2000.

July 31, 2000

John L. Bley

Director

WSR 00-16-102

EXPEDITED ADOPTION

DEPARTMENT OF

FINANCIAL INSTITUTIONS

[Filed August 1, 2000, 1:43 p.m.]

Title of Rule: Small offering exemption (SOE).

Purpose: Correct typographical error in prior amendment to WAC 460-44A-504.

Other Identifying Information: WAC 460-44A-504.

AMENDATORY SECTION (Amending WSR 00-04-094, filed 2/2/00, effective 3/4/00)

WAC 460-44A-504 Exemption for limited offers and sales of securities not exceeding \$1,000,000 to not more than twenty purchasers. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.504 and 230.508 as made effective in Release No. 33-6389, and as

amended in Release Nos. 33-6437, 33-6663, 33-6758, 33-6825, 33-6863, 33-6949, 33-6996, 33-7300, and 33-7644, or in compliance with the Securities Act of 1933, Rule 230.147 as made effective in Release No. 33-5450, that satisfy the conditions in subsections (2) and (3) of this section shall be exempt under RCW 21.20.320(9).

(2) General conditions to be met. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503 and 460-44A-508.

(3) Specific conditions to be met.

(a) Limitation on aggregate offering price. The aggregate offering price for an offering of securities under this section, as defined in WAC 460-44A-501(3), shall not exceed \$1,000,000, within or without this state, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this section in reliance on any exemption under RCW 21.20.320(9) or sections 3(a) (11) or 3(b) of the Securities Act of 1933 or in violation of RCW 21.20.140 or section 5(a) of the Securities Act of 1933.

(b) No commissions. No commission, fee, or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in the state of Washington.

(c) Limitation on number of purchasers. There are no more than or the issuer reasonably believes that there are no more than twenty purchasers of securities in this state from the issuer in any offering in reliance on this section.

(d) In all sales to nonaccredited investors in this state under this section the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, one of the following conditions, (i) or (ii) of this subsection, is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable. This presumption is rebuttable; or

(ii) The purchaser either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(e) Disqualifications. No exemption under this section shall be available for the securities of any issuer if any of the parties described in the Securities Act of 1933, Regulation A, Rule 230.262 is disqualified for any of the reasons listed in WAC 460-44A-505 (2)(d) unless inapplicable or waived as set forth in WAC 460-44A-505 (2)(d)(vi) and (vii).

(f) Notice filing. The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(g) Advice about the limitations on resale.

The issuer, at a reasonable time prior to the sale of securities, shall advise each purchaser of the limitations on resale in the manner contained in WAC 460-44A-502 (4)(b).

(4) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

(5) WAC 460-44A-504 is not the exclusive method by which issuers may make offerings under Securities and Exchange Commission Rules 504 and 147. For example, offers and sales of an issuer in compliance with Securities and Exchange Commission Rule 504 or Rule 147 may also be registered by qualification under chapter 21.20 RCW. An issuer that qualifies may elect to register an offering pursuant to the Small Company Offering Registration (SCOR) program as set out in chapter 460-17A WAC.

(6) Issuers are reminded that nothing in these rules alters their obligation under RCW 21.20.010. RCW 21.20.010(2) renders it unlawful "to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading..." In addition, issuers must otherwise comply with the anti-fraud provisions of the federal and state securities laws. No format for disclosure is prescribed. However, issuers may wish to consider the question and answer disclosure format of the SCOR Form of chapter 460-17A WAC in determining the disclosure they make. If the SCOR form is used, the issuer should indicate that the Form is being used for an exempt offering under this section rather than in an offering registered under (~~chapter 21.20 RCW and chapter 460-17A WAC.~~) chapter 21.20 RCW and chapter 460-17A WAC.

WSR 00-16-110

EXPEDITED ADOPTION

DEPARTMENT OF AGRICULTURE

[Filed August 2, 2000, 9:15 a.m.]

Title of Rule: Chapter 16-472 WAC, Barberry and black stem rust quarantine.

Purpose: To amend the existing rule to reflect changes in federal quarantine regulations/practices and to comply with legislative mandates such as regulatory reform and use of clear and readable format.

Statutory Authority for Adoption: Chapters 17.24, 15.13, and 15.08 RCW.

Statute Being Implemented: Chapters 17.24, 15.13, and 15.08 RCW.

Summary: Black stem rust is a historically serious disease of wheat in eastern Washington. In order to complete its life cycle, it must spend the growing season in wheat or similar grasses and the winter months in European varieties of barberry or closely allied species. Rust-susceptible varieties of barberry are native to Europe and were brought to the east coast of north America and then west with European settlers, where they naturalized. Elimination of rust-susceptible barberries greatly reduces black stem rust incidence. The pro-

posed changes update the existing rule to comply with current federal quarantine regulations and state regulatory practices. The changes also incorporate clear and readable format and bring the rule into compliance with legislative mandates such as regulatory reform.

Reasons Supporting Proposal: The existing rule was last modified in 1949. At that time, the rule was crafted to complement a USDA quarantine on certain types of nursery stock and a federal program to remove feral barberry bushes descended from European barberries brought west by settlers. The federal regulation has changed along with nursery industry practices, and the federal eradication program has ceased. Updating is necessary.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; **Implementation and Enforcement:** Linda Polzin, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule was created in 1949 to complement on a state level a federal quarantine regulation and control program. The proposed changes in the rule would bring it into compliance with the current federal regulation. The purpose of both the state and the federal rules is the elimination of the obligatory alternate host for black stem rust, a disease of wheat and other grasses. If populations of rust-susceptible barberries and related species are maintained at the current minimal level, incidence of the disease of wheat is maintained at its current minimal level. This benefits the state's wheat industry. It should be noted that barberry varieties originating in Asia, which closely resemble European varieties, are commonly available from commercial nurseries. The Asian varieties are not rust-susceptible and are not regulated by this quarantine. For this reason, this rule does not have a discernable impact on the ornamental plant and nursery industry.

WSDA consulted with the major stakeholders through the Washington Wheat Commission and the Washington State Nursery and Landscape Association. In addition, a number of knowledgeable research personnel and staff of the Washington State University Cooperative Agricultural Extension Service were consulted. The proposal represents a consensus of these interests. No negative effects from the proposed changes have been identified.

Proposal Changes the Following Existing Rules: The proposal does not increase existing regulatory requirements. Most requirements remain the same, just more clearly stated, and one existing requirement (the area in which feral or ornamental rust-susceptible varieties of barberry and closely allied species must be destroyed) is significantly reduced. The proposal changes from state-wide to eastern Washington counties only, the area in which designated plants growing on land must be destroyed. The reason for this change is the lack, due to climatic conditions and scarcity of wheat acreage, of black stem rust in western Washington.

The proposal converts the text to clear and readable format and eliminates obsolete references.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mary A. Martin Toohey, Washington State Department of Agriculture, Laboratory Services, P.O. Box 42560, Olympia, WA 98504, AND RECEIVED BY October 2, 2000.

August 2, 2000

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending Order 556, effective 9/1/49)

WAC 16-472-010 Establishing quarantine—Promulgation. ~~((1) Whereas, the fact has been determined and notice is hereby given that))~~ The common barberry, (*Berberis vulgaris*) and many of its horticultural varieties as well as certain other species of *Berberis*, *Mahonia*, and *Mahoberberis* are the alternate host plants of the disease ~~((known as))~~ black stem rust, caused by ~~((an))~~ the organism *Puccinia graminis* ~~((; which))~~. Black stem rust attacks wheat, oats, barley ~~((and))~~, rye, and many other cultivated and wild grasses, often resulting in material financial loss to growers of these crops in Washington ~~((; and whereas, the spread of this plant disease throughout the state of Washington would entail great loss to the agricultural interests of this state,~~

~~((2) Now, therefore, I, Sverre N. Omdahl,))~~ Without access to alternate host plants, *Puccinia graminis* cannot reproduce, and black stem rust is eliminated or greatly decreased. The director of agriculture ~~((of the state of Washington))~~, under authority ~~((vested in me by RCW 17.24.030, in order to prevent the spread of black stem rust caused by an organism *Puccinia graminis*, do hereby proclaim and establish a quarantine effective throughout the state of Washington prohibiting the maintenance, propagation, sale or movement throughout the state of Washington, of species and varieties of *Berberis*, *Mahonia*, and *Mahoberberis* determined to be alternate hosts of this disease, including any plants, cuttings, stalks, scions, buds, fruits, seeds or parts of these plants capable of propagation))~~ granted by chapters 17.24, 15.13 and 15.08 RCW, has determined that the regulation and exclusion of rust susceptible varieties of barberry and related *Berberis*, *Mahonia*, and *Mahoberberis* species is necessary to protect agricultural crops of the state of Washington.

AMENDATORY SECTION (Amending Order 556, effective 9/1/49)

WAC 16-472-020 Duty to destroy rust susceptible barberry bushes. ~~(It shall be the duty of all firms, corporations, private individuals, and other persons)~~ (1) Persons owning or controlling (lands, or places in this state, and all public authorities having jurisdiction over streets, highways, parks, public lands, irrigation canals, diking districts, and other public places, to forthwith) public or private lands in Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, or Yakima counties are required to destroy all rust-susceptible barberry bushes ~~((from said premises))~~ and to keep the ~~((same))~~ land free from such plants.

(2) No person who is or should be licensed as a nursery dealer under provisions of chapter 15.13 RCW may sell, offer for sale, ship or grow any rust susceptible variety of barberry or related *Berberis*, *Mahonia*, and *Mahoberberis* species, as defined in 7 C.F.R. 301.38-2.

AMENDATORY SECTION (Amending Order 556, effective 9/1/49)

WAC 16-472-030 ~~((No restrictions placed on the growing or intrastate movement of))~~ This rule does not apply to rust-resistant ((barberry)) *Berberis*, *Mahonia*, and *Mahoberberis* plants or seeds. No restrictions are placed by ~~((these regulations))~~ this rule on the growing or intrastate movement of rust-resistant ~~((Barberry))~~ *Berberis*, *Mahonia*, and *Mahoberberis* plants, plant parts or seeds ~~((; however, these shall consist only of those species and horticultural varieties designated as rust resistant by the chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in section 301.38-5 of Federal Quarantine No. 38)), as defined in United States Department of Agriculture Animal and Plant Health Inspection Service regulations in 7 C.F.R. 301.38-2.~~

This rule does not apply to cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation ((do not come under these restrictions)).

AMENDATORY SECTION (Amending Order 556, effective 9/1/49)

WAC 16-472-040 All packages to be plainly labelled or stamped. (1) All intrastate and interstate shipments and/or individual packages of *Berberis*, *Mahonia* or *Mahoberberis* plants, seeds, or parts ~~((thereof))~~ capable of propagation must be plainly labelled or stamped on the outside of the package ~~((as to))~~ with botanical species or horticultural variety and ~~((must be plainly marked with))~~ the name and address of the consignee and consignor. In addition, when required by federal ~~((quarantine No. 38, revised))~~ regulations in 7 C.F.R. 301.38, each shipment and/or individual package containing *Berberis*, *Mahonia* or *Mahoberberis* plants or seeds ~~((shall))~~ must have securely attached to the outside ~~((thereof))~~, a valid shipping permit issued by the United States Department of

Agriculture authorizing ~~((the))~~ its interstate movement ~~((of regulated products)).~~

(2) Any ((and all employees and designated agents of the horticultural division of the state department of agriculture, are hereby empowered and instructed to intercept, condemn, and destroy, or return to shipper at his expense,)) *Berberis*, *Mahonia* and *Mahoberberis* plants, plant parts or seeds ((moved)) that are in violation of ((and not marked in accordance with the above regulations. All authorized persons mentioned above also are empowered and instructed to enforce all other provisions of this order.

(3) Articles subject to destruction in these regulations may be moved interstate and intrastate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall have securely attached to the outside thereof an identifying tag from the Bureau of Entomology and Plant Quarantine, showing compliance with such conditions)) this barberry and black stem rust quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-472-050

Revisions of previous conflicting regulations.

WSR 00-16-111

EXPEDITED ADOPTION

DEPARTMENT OF AGRICULTURE

[Filed July August 2, 2000, 9:18 a.m.]

Title of Rule: Chapter 16-324 WAC, Rules for the certification of seed potatoes.

Purpose: To amend the existing rule to bring Washington state rules into concurrence with other states' rules for seed potato certification, to reflect current industry practices, to comply with legislative mandates such as regulatory reform and use of clear and readable format.

Statutory Authority for Adoption: Chapter 15.14 RCW.
Statute Being Implemented: Chapter 15.14 RCW.

Summary: These proposed changes clarify existing requirements and update and streamline the program to acknowledge current industry and program practices without reductions in service delivery. They also make the Washington state program similar to those of other states by eliminating standards for powdery scab and acknowledging specific standards for other types of damage. In addition, the rule is consolidated and restated in clear and readable format.

Reasons Supporting Proposal: Changes in industry and program practices and legislative mandates (for instance, the regulatory reform statutes and the movement to clear and

EXPEDITED ADOPTION

readable format) have made modifications in the existing rule necessary.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1948.

Name of Proponent: Washington State Department of Agriculture, Washington Seed Potato Commission, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: About fifteen growers enroll in the Washington seed potato certification program, which is created by these rules. Enrollment and compliance with the requirements of this grower-supported program are intended to produce a known, high quality agricultural product apparently free of specified diseases and other pests, that normally commands a market premium. Washington certified seed potatoes compete on the domestic and international market, and our standards must be similar to those of other states' certification programs. The existing rule needs updating to make it more similar to other states' rules and to acknowledge technical progress, particularly in the area of micropropagation (i.e. tissue culture). Changes in industry and program practices and legislative mandates (for instance, the regulatory reform statutes) have made other modifications necessary.

WSDA has sought individual and collective input from all program participants and other stakeholders. We feel stakeholder consensus was reached. We anticipate that the positive effects of these rule changes far outweigh any adverse effects that might result from the changes.

Proposal Changes the Following Existing Rules: The proposal reduces the number and complexity of existing technical requirements within the seed potato certification program. It eliminates the standard for powdery scab and acknowledges a specific standard for chemical damage. It converts the rule to clear and readable format.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mary A. Martin Toohey, Washington State Department of Agriculture, Laboratory Services, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY October 2, 2000.

August 2, 2000

Mary A. Martin Toohey
Assistant Director

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-361 Definitions. (~~The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:~~)

(1) "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

(2) "Cull" means any lot of potatoes rejected for certification for any reason. (~~Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered culls.~~)

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(5) "Disease tested" means tested for (~~potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll,~~) and found free of all of the following diseases: Potato virus A (PVA), potato virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato spindle tuber viroid (spindle tuber), Erwinia carotovora ssp. carotovora (soft rot), Erwinia carotovora ssp. atroseptica (black leg) and Clavibacter michiganense ssp. sependonicum (ring rot).

(6) (~~"In vitro" means in an artificial environment outside the living organism.~~)

(7) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(8) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(9) "Minitubers" means tubers produced under controlled greenhouse conditions.

(10) "Nematode" means (~~a disease (infestation) of~~) plant parasitic nematodes (~~of~~) capable of infesting potatoes, including but not limited to the genus *Meloidogyne*.

(11) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock, and grown in the field for the first time.

(12) "Plot" means a seed potato planting that is 0.25 acre or less in size.

(13) "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

(14) "Pre-nuclear" means micropropagated plants (~~in vitro~~) or tubers (~~in vitro. Also included are~~) and plants or minitubers produced in a greenhouse.

(15) "Recertification" means the process of certifying a seed lot that was certified the previous year.

(16) "Ring rot" means the disease caused by the bacterium *Clavibacter michiganense ssp. sependonicum*.

(17) "Rogue" means (~~a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed pieces are completely removed from a field. Roguing for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant~~) removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

~~((18))~~ (16) "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

~~((19))~~ (17) "Seed potatoes" means vegetatively propagated tubers used for potato production ~~((that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington))~~.

~~((20))~~ (18) "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

~~((21))~~ (19) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

~~((22))~~ (20) "Tolerance" means the maximum acceptable percentage of potato plants or tubers ~~((exhibiting visual symptoms of disease or defect during inspection of a representative sample))~~ that is diseased, infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

~~((23))~~ (21) "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-370 General guidance. (1) Participation in this program ~~((shall be))~~ is voluntary, except as provided in chapter 15.15 RCW, and may be withdrawn at the option of the applicant. ((Farming and sanitation practices are the responsibility of the grower. Certification, approvals, determinations, and supervision mentioned herein shall be conducted by the department.

(2) ~~Failure to comply with the requirements of these rules shall be cause for refusal or cancellation of approval of any planting or the certification of any seed as certified seed potatoes.~~

(3) ~~The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of certified seed. Certification is based solely on visual inspections of sample plants and tubers of each lot which were found to meet tolerances prescribed in this chapter.)~~

(2) The department will refuse or cancel certification of any seed potato planting or seed potato lot that fails to comply with this chapter.

(3) Issuance of a certified state of Washington tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented seed potatoes have been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter. Certification is based solely on compliance with this chapter.

(4) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling or otherwise, in connection with this chapter. No grower, dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-375 Application and withdrawal. (1) ~~((Application shall be made on a))~~ To apply for certification, applicants must use the form provided by the department and furnish all information requested, including the date, name, signature and address of the applicant, lot number, seed source identification number, variety, class planted, acres, date planted, seed spacing at planting, average length of rows, year the field was last cropped to potatoes, along with their variety and lot number, and a map of the field location. Applications for certification ((shall) must reach the ((state)) department ((of agriculture,)) on or before June 15 of each year, accompanied by the appropriate fee, field location maps and evidence of eligibility such as tags or certificates. Unless prior approval has been granted, late applications ((, without prior approval,)) will be assessed a late ((application)) fee of twenty dollars per application. ((Applications shall be accompanied by the appropriate fee, as well as tags, certificates or other evidence of eligibility.))

(2) ~~((Prospective growers entering the certification program for the first time shall be interviewed by the department before their applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.~~

(3) ~~Separate applications ((shall be)) are required for each variety, seed source, and seed lot.~~

~~((4))~~ (3) Separate applications ((shall be)) are required for each ((seed source)) field location that is separated by more than one hundred feet.

~~((5) Applications shall be accompanied by a field location map so that any inspector can identify each lot and the lot location.~~

~~((6) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department.)~~

(4) Growers may withdraw a seed potato lot from certification for any reason by notifying the department in writing.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-381 Certified seed potato stock—Fees. (1) The seed potato certification fee((s shall be)) is twenty-nine dollars per acre or fraction ((thereof)) of an acre.

(2) The certification fee for a field plot ((shall be)) is twenty dollars per application.

(3) The department may assess ((an)) additional fees ((charged on a)) for time and mileage ((basis)) pursuant to chapter 16-470 WAC.

(4) ~~((Applications shall be accompanied by))~~ Growers must submit a minimum of fifty percent of the total certifica-

tion (~~fee and payable on or before June 15 of each year. For purposes of certification fee assessment, acreage may be adjusted by no more than ten percent on or before July 15 of each year~~) fees with the applications.

(5) Final payment of ~~(the)~~ certification fees is due and payable November 1 of each year (~~:- Provided, That fees for five acres or less must be paid in full at the time of application~~).

(6) (~~Refunds of the certification fee may be made only if the withdrawal form~~) For the purpose of fee assessment, acreage may be adjusted by no more than ten percent prior to the first field inspection. The department will refund certification fees, if a written withdrawal notice is received by the department prior to the first field inspection.

(7) Growers are not required to pay the final half of the certification fee on lots rejected or withdrawn before the second inspection (shall not be subject to the final one-half payment of the certification fee).

(8) (~~Certification fees shall not be refunded after two field inspections have been completed.~~

(9) ~~Failure to pay fees when due shall result in removing the applicant from this program.~~

(10) ~~No application from any grower owing the Washington state department of agriculture for previous fees may be considered.~~) The department will deny certification to any applicant who fails to pay fees when due.

(9) ~~The department will not accept applications from any grower owing the department for previous fees.~~

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-382 Seed potato classification. (1) All seed potatoes entered for certification (~~shall be~~) are classified on the basis of production phases as follows:

(a) Prenuclear (PN) - (~~Prefield seed stocks for laboratory and greenhouse production or direct field plantings.~~) Micropropagated potatoes or seed potatoes grown in a greenhouse or screenhouse under sanitary conditions free of insects, weeds that can harbor potato diseases or other sources of disease contamination.

(b) Nuclear (N) - First field production year.

(c) Generation 1 (G1) - Second field production year.

(d) Generation 2 (G2) - Third field production year.

(e) Generation 3 (G3) - Fourth field production year.

(f) Generation 4 (G4) - Fifth field production year.

(g) Generation 5 (G5) - Sixth field production year.

(2) (~~The class of any seed lot shall be determined by its production phase as defined in subsection (1) of this section.~~) If a seed lot fails to meet the standards established in this chapter for its (~~production phase~~) class, then it (~~shall~~) will be reclassified to the (~~next later~~) earliest generation for which it meets established standards. (~~If a seed lot fails to meet minimum standards established for G5, it shall be rejected from certification.~~)

NEW SECTION

WAC 16-324-385 Production requirements. (1) A grower is not eligible to produce nuclear, generation 1, or

generation 2 seed potatoes, if ring rot has been detected on his or her farm during the previous two years.

(2) Prenuclear class.

(a) Prenuclear seed lots must be derived from disease tested micropropagated plants. All testing methods and laboratories must be approved by the department.

(b) A minimum of one percent (and not less than twenty samples) of prenuclear seed produced in a greenhouse must be tested and found free of potato virus X (PVX), potato virus Y (PVY), potato virus S (PVS), potato leafroll virus (PLRV), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg), and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

(c) The department will inspect all facilities used in the production of prenuclear class seed potatoes on a periodic basis. Department approval is necessary in order to utilize these facilities.

(3) Nuclear class.

(a) Nuclear class seed potatoes must be propagated entirely from prenuclear plants.

(b) Each nuclear class seed lot must be distinctly separated in storage and in the field.

(c) If a ground rig is used for spraying, wide enough spacing between rows must be left, so that tires will not touch plants during the growing season.

(d) Growers must plant cut seed and single drop seed separately, with single drop seed identified.

(4) Generations 1, 2, 3, 4 and 5.

(a) Growers must leave a distinct separation of at least six feet unplanted or planted to some other crop between lots of seed potatoes from different classes. A similar separation must be left between different varieties, unless the varieties are readily distinguishable by visual observation.

(b) When more than one lot of seed potatoes is planted in the same field, growers must stake or mark the identity of each lot.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-391 Eligibility requirements. (1) (~~Planting stocks shall be derived from seed stocks~~) Only seed potatoes derived from plants that have been disease tested(;) and certified by an official ((seed-certifying)) certification agency ((and continued identity maintained in an approved manner)) are eligible for certification.

(2) (~~To be eligible for recertification, a seed stock shall~~) Only seed lots that meet or exceed the minimum requirements ((for field inspection, latent virus testing, and post harvest testing)) as established in this chapter are eligible for certification. A seed ((stock)) lot that has more than a trace amount of virus disease noted during any field inspection (~~shall not be recertified~~) is not eligible for recertification, unless it has been post harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) (~~Planting stocks from other states or countries shall be eligible for current season certification if the planting stock meets or exceeds the minimum requirements of Washington standards for certification of seed potatoes and is~~) In

order to be eligible for certification in Washington state, seed lots from other states or countries must be eligible for recertification in the state or country of origin.

(4) A seed lot ~~((shall not be eligible for current season certification if it is))~~ blended from two or more different sources of seed is not eligible for recertification.

(5) ~~((Tubers culled out during the grading process shall not be))~~ A seed lot infected with powdery scab is not eligible for recertification.

(6) ~~((Seed stocks shall be eligible for current season certification for a maximum of six field production years.~~

~~((7))~~ Generation 5 (G5) ~~((, shall not be))~~ seed lots are not eligible for recertification.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-392 Isolation requirements. (1) ~~((Pre-nuclear stock shall be produced in a laboratory or greenhouse approved by the department.~~

~~((2))~~ The department must approve all nuclear and generation 1 ~~((shall be produced only in))~~ field locations ~~((approved by the department)).~~

~~((3))~~ (2) Generation 2 through generation 5 ~~((shall))~~ must be isolated by at least three hundred fifty feet from ~~((other))~~ all noncertified potatoes ~~((except seed potatoes entered for certification)).~~

~~((4))~~ (3) When ring rot is found in a field planted with more than one lot of seed potatoes, the department will reject entire field ~~((shall be rejected))~~ unless at least six feet between lots has been left unplanted or planted to some other crop.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-393 Land requirements. (1) ~~((Any land known to be))~~ The department will not accept any field infested with ~~((parasitic potato))~~ nematodes ~~((shall not be accepted)).~~

(2) ~~((Any land planted with seed potatoes found to have ring rot shall not be eligible for certified seed potato production for at least))~~ Detection of ring rot in a field will make that field ineligible for production of certified seed potatoes for three years. Presence of volunteer potato plants in a field with ring rot history ~~((shall))~~ will disqualify the current field crop for certification. Plants outside of the defined row ~~((shall be))~~ are considered volunteers. ~~((Exceptions to this may be approved by the department when cultural practice has been proven to be successful. Cultural practices may include, but are not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be recorded with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity.))~~

(3) Nuclear class ~~((shall))~~ seed potatoes must be produced ~~((on land))~~ in a field that has not been planted with potatoes for ~~((any of the previous))~~ at least six years. (New ground is preferred.)

(4) Generation 1 class ~~((shall))~~ seed potatoes must be produced ~~((on land))~~ in a field that has not been planted with potatoes for ~~((any of the previous))~~ at least four years.

(5) Generation 2, 3, 4, and 5 ~~((classes shall))~~ class seed potatoes must be produced ~~((on land))~~ in a field that has not been planted with potatoes during the previous year unless the prior potato crop was certified seed potatoes of ~~((a higher))~~ an earlier class ~~((and))~~ of the same variety. Volunteer plants from a previously planted seed potato crop ~~((that are present at the time of the field inspection shall))~~ will cause the ~~((designated))~~ class designation of the current crop to be changed to ~~((an))~~ the appropriate ~~((later))~~ generation ~~((designation))~~ of the volunteer plants.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-396 Sanitation requirements. (1) Chemicals used in the sanitation of equipment ~~((shall))~~ should be those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control ~~((shall))~~ must be maintained throughout the growing season as recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification ~~((shall))~~ must be planted and harvested prior to handling any other seed stock. The earliest generation ~~((shall))~~ must be handled prior to lower classes within the program. ~~((All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.~~

(3) Precautions shall be taken when roguing, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.

(4)) (3) Only department-approved containers shall be used during the digging, storage, and packing process.

~~((5))~~ Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter, followed by application of an approved chemical to kill bacteria.)

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-398 Field inspection disease tolerance. (1) Compliance with a 0.0% tolerance is not intended, nor ~~((shall))~~ should it be construed, to mean that the lot inspected is free from the disease. ~~((In case of ring rot, nematode, or powdery scab,))~~ It means that the disease was not ~~((identified))~~ detected during ~~((any))~~ visual inspections of the seed lot.

(2) First and second field inspection tolerances, expressed as percentages.

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.02	0.01	0.05	0.01	0.08	0.05	0.20	0.10
Mosaic	0.00	0.00	0.00	0.00	0.01	TR(*)	0.50	0.25	0.50	0.25	2.00	1.00
Leafroll	0.00	0.00	0.00	0.00	0.01	TR(*)	0.03	0.01	0.08	0.05	0.40	0.20
Total visible virus	0.00	0.00	0.10	0.00	0.50	0.50	2.00	1.00	2.00	1.00	2.00	2.00
Phytoplasmas	0.00	0.00	0.00	0.00	0.10	0.10	0.20	0.20	0.50	0.50	1.00	1.00
Black leg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00	4.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
((Powdery seab	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00))

*TR=Trace

NEW SECTION

WAC 16-324-399 Field inspection. (1) The department will visually inspect each seed lot at least two times during the growing season. The department may make additional inspections if the department deems it necessary.

(2) The department will reject all seed lots that do not comply with minimum field inspection standards at the time of inspection.

(3) Growers must notify the department of unusual field conditions, which may cause premature dying from any cause prior to the final reading of the field.

(4) Post harvest testing is required for any seed lot with a field condition preventing adequate field evaluation at the time of the first field inspection.

(5) If the department is unable to perform the final field inspection of a seed potato lot for any reason at least one of the following actions will be taken:

- (a) The seed lot will be denied certification;
- (b) The seed lot will be denied recertification; and/or
- (c) The lot must be post harvest tested and found free of ring rot.

(6) The department will reject any seed lot in which ring rot is detected and will conduct additional inspections on all of the grower's remaining seed lots. The department will not recertify any seed lot associated with or planted after the rejected lot. The department will submit samples of ring rot detected during field inspections to an approved laboratory for confirmation.

(7) The department may require a post harvest test and withhold certification pending results of the post harvest test on seed potato lots exposed to any chemical that causes tuber-borne injury. Any seed potato lot showing five percent or greater tuber-borne chemical damage in the post harvest test will be rejected for certification.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-401 Latent virus testing requirements. (1) PVX testing ((shall be)) is required for nuclear(;) gener-

ation 1 and generation 2 class seed potatoes. PVX testing ((shall be)) is optional for all other classes.

(2) Growers must submit petiole samples ((shall be submitted by the grower in late August, or prior to vine kill,)) for latent virus testing to a laboratory approved by the department. The ((cost of)) applicant is responsible for laboratory testing ((shall be borne by the applicant)) fees.

(3) The minimum number of plants per seed lot to be sampled for ((latent virus determination shall be)) PVX testing is one hundred. For nuclear class, a minimum of ten percent of the total number of plants per lot ((shall)) must be sampled. For generation 1, a minimum of two percent of the total number of plants per lot ((shall)) must be sampled. For generation 2, a minimum of fifty leaves per acre ((shall)) must be sampled. ((For)) Generation 3, 4 and 5((a minimum)) seed lots should be sampled at a rate of twenty leaves per acre ((shall be sampled. No more than five leaves shall be bulked per sample)). The department may require additional testing.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-402 Latent virus tolerance. (1) ((Latent virus disease)) PVX tolerances are listed in the table that follows and ((shall)) must be based on positive ELISA test results.

PVX TOLERANCE TABLE: PERCENT DISEASE

NUCLEAR	G1	G2	G3	G4	G5
0.00	0.50	1.00	3.00	4.00	5.00

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-409 Post harvest test requirements. (1) Post harvest testing of all seed classes ((shall be)) is optional, except as required in WAC 16-324-399. Seed lots which fail the minimum requirements of the field inspection standards ((shall)) are not ((be)) eligible for post harvest testing.

EXPEDITED ADOPTION

(2) ~~((The purpose of this test is to visually detect virus and virus-like plant symptoms in seed potato samples submitted by the grower. Diseases which cannot be observed visually at the time of inspection may be present.~~

~~(3))~~ (3) A minimum of four hundred tubers ~~((shall))~~ must be submitted for each seed lot entered for post harvest testing. Seed lots less than one acre in size ~~((shall))~~ must submit a minimum of four tubers per total hundred weight with a minimum of fifty tubers. ~~((The applicant shall have the option of submitting additional tubers greater than the minimum number.~~

~~(4))~~ (3) The applicant is responsible for the cost of post harvest testing ~~((shall be borne by the applicant)).~~

~~((5) Seed stocks represented))~~ (4) Seed lots in the post harvest test which fail to ~~((meet))~~ comply with the disease tolerance requirements set forth in ~~((this chapter shall not be))~~ WAC 16-324-420 are not eligible for recertification.

(a) The applicant ~~((shall))~~ must notify in writing all receivers of ~~((a seed stock or))~~ any seed lot that failed to ~~((meet))~~ comply with post harvest ~~((test requirements))~~ tolerances set forth in WAC 16-324-420.

(b) Acceptance of ~~((this))~~ a seed lot ~~((shall))~~ that fails to comply with the tolerances set forth in WAC 16-324-420 must be based on a written buyer/seller agreement. The grower must provide the department with a copy of the written ((notice and buyer/seller)) agreement ((shall be provided to the department as soon as practicable.

(6) Upon request of the applicant, the department shall submit samples of seed potatoes to an approved laboratory for ELISA testing to confirm a finding of visual virus disease symptoms. The applicant shall bear the cost of ELISA testing.

~~(7) In the event of a serious malfunction of the post harvest test facility, certification eligibility shall be based on field inspection readings))~~ within thirty days of receiving the post harvest results.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-431 Digging, storage and premarketing. (1) Each seed lot ~~((shall))~~ must be stored ~~((so as to maintain))~~ with its identity maintained. ~~((The storage bin or room (an area with a controlled access and enclosed by solid barriers) shall be so marked that any inspector not previously having been in the room or storage bin could identify each lot.))~~ All tubers from a unit planting method ~~((shall))~~ must be numbered and stored as an identifiable unit for the next year's planting.

(2) Each storage or room containing more than one seed lot ~~((shall))~~ must have a solid barrier between each lot ~~((that is not of the same seed source, variety or classification)).~~

(a) The ~~((presence of))~~ department will reject any seed lot in which ring rot or nematode ~~((in a seed lot that is stored with other seed lots shall be cause for rejection of all seed lots that are not isolated or separated))~~ by a solid barrier.

(b) ~~((Seed lots previously known or found to be infected with ring rot at time of storage or))~~ Noncertified potatoes ((shall)) must not be stored ((within)) in the same ((storage with)) facility as certified seed potatoes.

(3) The applicant ~~((shall))~~ must notify in writing receivers of ~~((a seed stock or receivers of a lot associated with a seed stock that has been))~~ any seed lot found to be infected with ring rot. The applicant ~~((shall))~~ must provide the department with a copy of this notification when it is sent to the receiver.

(4) All seed classes ~~((shall))~~ must be graded according to ~~((state of Washington standards for seed potatoes and))~~ the United States Standards for Grades of Seed Potatoes.

(5) Each container or sack ~~((shall))~~ must be identified with ~~((the))~~ an official Washington seed potato tag ~~((s which shall show))~~ listing the grower's name, address, seed lot number, net weight, variety and classification unless such information is printed on the sacks or containers.

(6) The department ~~((shall))~~ issues tags to the grower. The grower ~~((shall))~~ is required to comply with all of the following:

(a) Tag the sack or container as the potatoes are sorted;

(b) Allow inspection of graded seed potatoes at any time;

(c) ~~((If seed potatoes are out of grade,))~~ Remove the tags from out-of-grade potatoes under the supervision of the ~~((inspector))~~ department; and

(d) Return all unused tags to the ~~((inspector))~~ department.

(7) ~~((Failure to comply with any of the requirements of this chapter shall be cause for the inspector to withhold the privilege of permitting the grower to tag at the grower's convenience.~~

(8) Failure to comply with subsection (6)(b) and (c) of this section shall be cause to reject a grower from the certification program.

~~(9) In order to maintain its certification status, a))~~ The department may issue a compliance agreement authorizing the grower to tag seed potatoes.

(8) Bulk shipments must be identified with the information required in subsection (5) of this section.

AMENDATORY SECTION (Amending WSR 97-11-028, filed 5/14/97, effective 6/14/97)

WAC 16-324-446 Grading inspection. (1) ~~((The quality of the))~~ Grading of seed potatoes is the ((full)) responsibility of the grower. The department ~~((shall))~~ monitors grading activities for compliance with the United States Standards for Seed Potatoes and established state standards for seed potatoes.

(2) Upon request, the department provides shipping point inspections for seed potatoes ~~((shall be performed by the department at the established rate for time and mileage. A federal state inspection certificate shall be issued)).~~ Fees established in chapter 16-470 WAC apply to all shipping point inspections.

(3) Three colors of tags ~~((shall be permitted))~~ are authorized for use on certified seed potatoes.

(a) Blue tags ~~((shall be))~~ are used for seed potatoes which meet or exceed minimum requirements of United States Standards for US Number 1 grade of seed potatoes.

(b) Yellow tags ~~((shall))~~ indicate a contract grade between buyer and seller.

(c) White tags (~~shall be~~) are used for seed potatoes which meet or exceed minimum requirements of US Number 1 standards for grade of seed potatoes(~~(= Provided)~~) except, that the size (~~shall~~) may not be less than one ounce or more than three ounces in weight.

~~((4) Compliance with the provisions of these standards shall not relieve the applicant or grower from responsibility for conforming with compliance agreements and applicable provisions of federal and state laws.))~~

AMENDATORY SECTION (Amending Order 4014, filed 10/22/92, effective 11/22/92)

WAC 16-324-720 ((ELISA) Laboratory testing ((for potato viruses))—Fees. (1) ~~((The following fees shall apply to))~~ ELISA testing to determine the presence of ~~((Potato Virus A (PVA), Potato Virus M (PVM), Potato Virus S (PVS), Potato Virus X (PVX), Potato Virus Y (PVY), and Potato Leaf Roll Virus (PLRV)))~~ potato viruses:

# Viruses	# Samples	Price/leaf sample	Price/tuber sample
1	1 to 10	\$1.00	\$1.10
	11 to 25	\$0.90	\$1.00
	over 25	\$0.80	\$0.90
2	1 to 10	\$1.50	\$1.60
	11 to 25	\$1.30	\$1.40
	over 25	\$1.10	\$1.20
3	1 to 10	\$2.00	\$2.10
	11 to 25	\$1.70	\$1.80
	over 25	\$1.40	\$1.50
4	1 to 10	\$2.50	\$2.60
	11 to 25	\$2.10	\$2.20
	over 25	\$1.70	\$1.80
5	1 to 10	\$3.00	\$3.10
	11 to 25	\$2.50	\$2.60
	over 25	\$2.00	\$2.10
6	1 to 10	\$3.50	\$3.60
	11 to 25	\$2.90	\$3.00
	over 25	\$2.30	\$2.40

(2) Spindle tuber viroid testing (~~shall be~~) is provided at the actual cost ~~((of time at twenty-five dollars per hour plus materials))~~ to the department.

~~((3) Other virus tests not listed in subsection (1) of this section may be provided at actual cost of time at twenty-five dollars per hour plus materials.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-324-394 Production requirements—Prenuclear class.
- WAC 16-324-395 Production requirements—Field grown seed potatoes.
- WAC 16-324-397 Field inspection.
- WAC 16-324-700 Establishing the fee schedule.
- WAC 16-324-710 Schedule of fees—Billing policies and procedures.

**WSR 00-16-116
EXPEDITED ADOPTION
SECRETARY OF STATE**
[Filed August 2, 2000, 10:01 a.m.]

Title of Rule: Charitable solicitation organizations and charitable trusts.

Purpose: Change of physical office address.

Other Identifying Information: WAC 434-120-015.

Statutory Authority for Adoption: Chapters 34.05, 19.09, 11.110, 43.07 RCW.

Statute Being Implemented: Chapter 19.09 RCW.

Summary: Correction of office address.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 E. Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address since the Corporations Division is moving to the James M. Dolliver Building.

Proposal does not change existing rules. Only technical correction.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box

EXPEDITED ADOPTION

40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000
Tracy Guerin
Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-015 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, (~~505 Union S.E., Second Floor~~) 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each charitable organization or commercial fund raiser file.

(3) The telephone number is (360) 753-7118 or (360) 753-7120. The toll free number in Washington is 1-800-332-GIVE (1-800-332-4483).

WSR 00-16-117
EXPEDITED ADOPTION
SECRETARY OF STATE
[Filed August 2, 2000, 10:02 a.m.]

Title of Rule: Limited liability companies.

Purpose: Change of physical address.

Other Identifying Information: WAC 434-130-020.

Statutory Authority for Adoption: Chapters 25.15, 43.07

RCW.

Statute Being Implemented: Chapter 25.15 RCW.

Summary: Correction of office address.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address since the Corporations Division is moving to the James M. Dolliver Building.

Proposal does not change existing rules. Only technical correction of physical office.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT

STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000
Tracy Guerin
Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 94-19-005, filed 9/8/94, effective 10/1/94)

WAC 434-130-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, (~~505 East Union, Second Floor~~) 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115. Callers will hear a menu of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

WSR 00-16-118
EXPEDITED ADOPTION
SECRETARY OF STATE
[Filed August 2, 2000, 10:03 a.m.]

Title of Rule: Limited partnership filings—Centralized system.

Purpose: Change of physical address.

Other Identifying Information: WAC 434-55-015.

Statutory Authority for Adoption: Chapters 25.10, 43.07 RCW.

Statute Being Implemented: Chapter 25.10 RCW.

Summary: Correction of office address.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address since the Corporations Division is moving to the James M. Dolliver Building.

EXPEDITED ADOPTION

Proposal does not change existing rules. Only technical correction of physical office.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 94-19-003, filed 9/8/94, effective 10/9/94)

WAC 434-55-015 Official address and telephone number. (1) Effective October 1, 1982, limited partnership filings under chapter 25.10 RCW are to be made at the Corporations Division of the Office of the Secretary of State, Olympia, Washington, rather than at the offices of the respective county clerks.

(2) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(3) In-person transactions may be made at the Corporations Division, (~~505 E. Union, Second Floor~~) 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(4) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu system of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

WSR 00-16-119

EXPEDITED ADOPTION

SECRETARY OF STATE

[Filed August 2, 2000, 10:04 a.m.]

Title of Rule: Corporation filing procedures and special fees.

Purpose: Change of physical address and clarification.

Other Identifying Information: WAC 434-110-020, 434-110-030, 434-110-040, and 434-110-050.

Statutory Authority for Adoption: Titles 23, 23B, 24 and 46 RCW, chapter 43.07 RCW.

Statute Being Implemented: Titles 23, 23B, 24 and 46 RCW.

Summary: Correction of office address and service.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address since the Corporations Division is moving to the James M. Dolliver Building. Clarification that no service is provided on legal holidays and that expedited services for mail-in requests is available.

Proposal Changes the Following Existing Rules: Technical correction of physical office. Clarification that no service is provided on legal holidays and that expedited services for mail-in requests are available.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-020 Office address. (1) The mailing address is: Corporations Division, Office of the Secretary of State, Post Office Box 40234, Olympia, Washington 98504-0234.

(2) The offices of the corporations division are located (~~on the second floor of the Republic Building at 505 E. Union Avenue~~) at the James M. Dolliver Building, 801 Capitol Way S, Olympia, Washington.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-030 Office hours. (1) Business office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday, excluding legal holidays. Walk-in, counter services

are available for an expedited fee specified in WAC 434-110-060. Emergency counter service at other times is available under terms of WAC 434-110-060 (5)(b).

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-040 Telephone services. (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Information on active corporations and on filing a new corporation immediately available at this number includes the following:

(a) Exact name of corporation on file in the secretary of state's records;

(b) Whether the corporation is for profit or nonprofit;

(c) Unified business identifier (UBI) number;

(d) Expiration date of corporate license;

(e) Whether the corporation is designated a public benefits corporation;

(f) Name of registered agent;

(g) Registered office address;

(h) Incorporation date of Washington firm;

(i) Qualification to-do-business-in-Washington date for foreign corporation;

(j) Filing date of most recent annual report;

(k) Status of corporation;

(m) Requirements for renewal or filing annual reports; and

(n) Filing requirements for new corporations.

Customers may also request that forms be mailed to them by using the menu system.

(2) When customers request information requiring a file search, such as names of the board of directors and officers, the information officer will provide the information by return call.

(3) A customer may request a copy of the most recent annual report including a list of officers and directors by calling the annual report line on (360) 753-7115. While there is no copy fee for these telephone requests, the sum of four dollars to cover postage and handling should be mailed to the Corporations Division, Office of Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(4) Name reservations cannot be made by telephone. An information operator will respond to a name search request with a review of the existing computer data base only.

(5) The telephone number for information about charitable trusts or charitable organizations is (360) 753-7118. Persons calling within Washington may call 1-800-332-GIVE (1-800-332-4483).

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

AMENDATORY SECTION (Amending WSR 93-20-072, filed 10/1/93, effective 11/1/93)

WAC 434-110-050 Mail-in service. (1) Expedited services for mail-in requests are (~~currently not~~) available for an expedited fee specified in WAC 434-110-060.

(2) All mailed-in documents are processed and filed in order of date of receipt unless incomplete or incorrect. At the customer's request, a staff member will call (collect) to confirm the filing date of a document. A specific filing date may be reserved for up to thirty days in advance. The necessary documents, in appropriate format with correct fees, must be in the office by the specified date. Requests for information in a nonactive or archived file, will be processed on a time-available basis.

(3) Requests for name searches coupled with a name reservation are completed in order of date received. A name reservation may be made by completing the form provided by the corporations division or in a letter clearly containing all the following information:

(a) The corporate name desired, with two alternate names;

(b) The name, address, and telephone number of the applicant;

(c) The signature of the applicant; and

(d) The application date.

An application on behalf of a client should also include the client's name and complete address.

WSR 00-16-120

EXPEDITED ADOPTION

SECRETARY OF STATE

[Filed August 2, 2000, 10:05 a.m.]

Title of Rule: Limited liability partnerships.

Purpose: Change of physical address.

Other Identifying Information: WAC 434-135-020.

Statutory Authority for Adoption: RCW 43.07.120.

Statute Being Implemented: RCW 43.07.120.

Summary: Correction of office address and clarification.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address. Corporations Division is moving to the James M. Dolliver Building. Clarification of available telephone service.

Proposal does not change existing rules. Only technical correction.

EXPEDITED ADOPTION

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 95-16-131, filed 8/2/95, effective 9/2/95)

WAC 434-135-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, (~~505 East Union, Second Floor~~) 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu of (~~five~~) prerecorded messages. (~~For direct access to an information officer press number five at the beginning of the recorded message.~~) Direct access to an information officer is available by pressing the appropriate number.

WSR 00-16-121

EXPEDITED ADOPTION

SECRETARY OF STATE

[Filed August 2, 2000, 10:06 a.m.]

Title of Rule: International student exchange agency registration.

Purpose: Change of physical address.

Other Identifying Information: WAC 434-166-030.

Statutory Authority for Adoption: RCW 19.166.050 and 19.166.060.

Statute Being Implemented: Chapter 19.166 RCW.

Summary: Correction of office address.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address since the Corporations Division is moving to the James M. Dolliver Building.

Proposal does not change existing rules. Only technical correction.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

WAC 434-166-030 Official address, telephone number of the office of the secretary of state, international student exchange division. The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State
International Student Exchange Division
(~~505 E Union, 2nd Floor~~)
801 Capitol Way S
PO Box 40234
Olympia WA 98504-0234

The telephone number to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: (360) 753-7120.

WSR 00-16-122

EXPEDITED ADOPTION

SECRETARY OF STATE

[Filed August 2, 2000, 10:07 a.m.]

Title of Rule: Electronic authentication.

Purpose: Change of physical address.

Other Identifying Information: WAC 434-180-110.

Statutory Authority for Adoption: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111, and 19.34.400.

Statute Being Implemented: Chapter 19.34 RCW.

Summary: Correction of office address.

Reasons Supporting Proposal: Technical changes needed to reflect proper address.

Name of Agency Personnel Responsible for Drafting: Hans Dettling, 505 East Union, Olympia, WA 98504, (360) 586-0393; Implementation and Enforcement: Office of the Secretary of State.

Name of Proponent: Office of the Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change of physical office address since the Corporations Division is moving to the James M. Dolliver Building.

Proposal does not change existing rules. Only technical correction.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Hans Dettling, Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone (360) 586-0393, fax (360) 664-8781, TDD (360) 753-1485, AND RECEIVED BY October 3, 2000.

August 1, 2000

Tracy Guerin

Deputy Secretary of State

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

WAC 434-180-110 Office address, hours, and telephone number. All services of the office of the secretary of state related to the Washington Electronic Authentication Act shall be provided through the corporations division.

(1) The mailing address of the division is: Corporations Division, Office of the Secretary of State, Post Office Box 40234, Olympia, Washington 98504-0234.

(2) The offices of the division are located in the (~~Republic Building at 505 E. Union Avenue~~) James M. Dolliver Building, 801 Capitol Way S, Olympia, Washington.

(3) The office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday, except for state holidays.

(4) The telephone number for the corporations division is (360) 753-7115.

WSR 00-16-126
EXPEDITED ADOPTION
OFFICE OF
INSURANCE COMMISSIONER

[Filed August 2, 2000, 10:26 a.m.]

Title of Rule: Chapter 284-90 WAC, Rules pertaining to AIDS.

Purpose: This rule making is part of the commissioner's regulatory improvement process. The rules were enacted in 1986, since then changes in medicine and industry practices have created a need to update this regulation.

Other Identifying Information: Insurance Commissioner Matter No. R 2000-07.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010, 48.44.050, 48.46.200.

Statute Being Implemented: RCW 48.01.030, 48.05.250, 48.18.110, 48.18.480.

Summary: This rule making seeks to update the existing regulation and clarify the responsibilities of carriers under chapter 284-90 WAC. The chapter is entitled "Rules pertaining to AIDS."

Reasons Supporting Proposal: The final rules should be clearer and easier to understand, administer, and to comply with without sacrificing any consumer protections. Industry has asked for clarification of this regulation.

Name of Agency Personnel Responsible for Drafting and Implementation: Janis LaFlash, Olympia, Washington, (360) 753-4214; and Enforcement: Jeffrey Coopersmith, Lacey, Washington, (360) 407-0734.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation was initially adopted in 1986 as a response to the AIDS crisis. It has not been updated since despite the increasing knowledge of the disease and inherent risks and changes in the testing for and treatment of AIDS. The rule making is intended to clarify the existing rule and bring it up to date.

Proposed WAC 284-90-010 and 284-90-020 are changed to reflect changes in terminology and conditions and to increase clarity.

Proposed WAC 284-90-030 will be repealed. The commissioner had asked that the actuarial statement filed with an annual report take into account impact of AIDS and related conditions upon the adequacy of the reserves of the life insurer. When the original rule was adopted, several commentators noted that actuaries should already be accounting for this in their opinion. However, as other commentators pointed out the AIDS risk was not quantifiable at the time so this was not a redundant exercise but a true concern for ensuring financial solvency. Today, the risk is more easily defined and quantified. Also, actuaries have fourteen years of experience in factoring the risk. Thus, the requirement is no longer unnecessary and should be repealed.

Industry has asked for clarification of this regulation. The proposal was developed with industry involvement and

EXPEDITED ADOPTION

was shared with interested parties including consumer interest groups, insurers, and other agencies.

Proposal Changes the Following Existing Rules: WAC 284-90-010 and 284-90-020 are updated. Language is clarified. WAC 284-90-030 is repealed. This section is no longer necessary.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Branderberry, Office of the Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacyb@oic.wa.gov, fax (360) 664-2782, AND RECEIVED BY October 3, 2000.

August 1, 2000

D. J. Patin

Deputy Insurance Commissioner

AMENDATORY SECTION (Amending Order R 86-5, filed 10/15/86)

WAC 284-90-010 Purpose. (1) The purpose of this chapter is to assure nondiscriminatory treatment of insureds and prospective insureds by establishing minimum standards insurers must meet with respect to acquired immune deficiency syndrome (AIDS) and its related conditions. ~~((Such))~~ Related conditions include a positive testing for the Human ((T-Cell Lymphotropic Virus Type III (HTLV-III) antibodies and a diagnosis of AIDS-related complex)) Immunodeficiency Virus (HIV).

(2) The insurance code prohibits unfair discrimination between insureds having like risk and exposure factors. The practical effect of the law is to require grouping of insureds into classes of like risk and exposure and charging a premium commensurate with the risk and exposure. This assures the equitable treatment of each class of insureds in the sense that the premium charge is reasonably related to the risk assumed by the insurer and that no class of insureds supports (or is supported by) another class of insureds. For example: Insureds with a heart condition should not subsidize (or be subsidized by) insureds with AIDS or diabetes; policies issued on a standard basis should not be surcharged to support those issued to insureds suffering from an ailment. To properly classify such prospective insureds, insurers must ask appropriate questions on application forms and may require reasonable testing of prospective insureds, when health underwriting is not prohibited by rule or statute.

AMENDATORY SECTION (Amending Order R 86-5, filed 10/15/86)

WAC 284-90-020 Insuring procedures relating to AIDS. (1) AIDS and its related conditions are diseases and must be considered as such under the insurance laws of this state. Underwriting considerations must be consistent with the underwriting considerations applied to other diseases. Prospective insureds must be accepted or rejected or rated standard or substandard on the basis of bona fide and substantiated statistical differences in risk or exposure.

(2) Questions about AIDS and related health conditions on applications for insurance must be in clear and understandable language and must lend themselves to the placement of applicants in the proper class of insureds. Questions which are ambiguous or misleading are prohibited.

(3) ~~((When used, the blood))~~ Testing of insurance applicants must be administered on a nondiscriminatory basis. If a prospective insured is to be declined or rated substandard because of ((HTLV-III antibodies in the blood)) HIV infection, such action must be based on a Western Blot Test or ((another)) any United States Food and Drug Administration approved confirmatory test of equal or greater accuracy. Testing procedures of lesser accuracy may be used on a nondiscriminatory basis for underwriting purposes, but a prospective insured may not be declined or rated substandard solely on the basis of results from such test(s).

(4) There are several aspects of the disease AIDS which may create unforeseen claim settlement problems under life insurance, loss of time, and medical coverages. The likelihood of the claimant incurring medical expenses from several different symptoms of AIDS or one of its related conditions may make it difficult to determine when the disease first manifested itself. The long incubation period along with the concurrent and aggravating ailments may create problems with the application of the preexisting conditions clause and the incontestable provision, as well as the rules which determine a new spell of illness. The benefit provision, including any extended benefit provision, will determine the extent of claim payments if the disease manifested itself while the policy was in force but continued after expiration of coverage or termination of the contract. Such matters, and others unique to the disease of AIDS and its related conditions, must be resolved in a manner consistent with the settlement of claims resulting from other diseases.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-90-030

Policy reserves—Annual financial statements.

WSR 00-16-127
EXPEDITED ADOPTION
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD

[Filed August 2, 2000, 10:30 a.m.]

Title of Rule: WAC 490-105-040 What does it take to obtain a private vocational school license?

Purpose: Rule outlines application process.

Statutory Authority for Adoption: RCW 28C.10.040.

Statute Being Implemented: Chapter 28C.10 RCW.

Summary: Updating agency's physical address where it appears.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peggy Rudolph, Olympia, (360) 586-8682.

Name of Proponent: Workforce Training and Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules outlining application process. Updates agency's physical address.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Peggy Rudolph, Workforce Training and Education Coordinating Board, P.O. Box 43105, Olympia, WA 98504-3105, AND RECEIVED BY October 2, 2000.

July 31, 2000

Peggy Rudolph
Program Specialist

AMENDATORY SECTION (Amending WSR 98-22-033, filed 10/29/98, effective 11/29/98)

WAC 490-105-040 What does it take to obtain a private vocational school license? (See RCW 28C.10.050 and 28C.10.060.) An entity that wishes to operate a private vocational school must apply for a license on forms provided by the agency. If the agency determines an application is deficient, the applicant will be so notified. The applicant must correct the deficiencies within thirty days of notification. If that fails to occur, the application will be returned to the applicant. The license application fee will not be refunded. The agency's executive director or designee may deny a license application for just cause.

The application must include the following information attested to by the school's chief administrative officer:

(1) An identification of owners, shareholders, and directors.

(a) The complete legal name, current telephone number, and current mailing address of the owner;

(b) The form of ownership; e.g., sole proprietorship, partnership, limited partnership, or corporation;

(c) Names, addresses, phone numbers, birth dates, and prior school affiliations if any, of all individuals with ten percent or more ownership interest;

(d) A school that is a corporation or a subsidiary of another corporation must submit:

(i) Current evidence that the corporation is registered with the Washington secretary of state's office; and

(ii) The name, address and telephone number of the corporation's registered agent;

(e) "Ownership" of a school means:

(i) In the case of a school owned by an individual, that individual;

(ii) In the case of a school owned by a partnership, all full, silent and limited partners having a ten percent or more ownership interest;

(iii) In the case of a school owned by a corporation, the corporation, each corporate director, officer, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares;

(f) Schools under common ownership may designate a single location as the principal facility for recordkeeping via written notice to the agency.

(2) Financial statement.

(a) The school must submit information reflecting its financial condition at the close of its most recent fiscal year to demonstrate that it has sufficient financial resources to fulfill its commitments to students. The financial statement must be completed in a format supplied by the agency.

(b) If inadequate time exists to produce a financial statement in the interval between the ending date of the school's fiscal year and the due date of an application, the agency will adjust the school's license period to provide a reasonable interval.

(c) New schools must submit a proposed operating budget for the initial twelve months of operation rather than the financial statement described in (a) of this subsection. The proposed operating budget must be completed in a format supplied by the agency.

(d) New schools that have operated another business for at least one year, must submit, in addition to the proposed operating budget described in (c) of this subsection, a financial statement for that business. The financial statement must cover the existing business' most recently completed fiscal year and be prepared by a certified public accountant or be certified by the business' chief administrative officer.

(e) Owners of multiple schools may file financial information that consists of a single, consolidated financial statement and balance sheet for the corporation. The consolidated financial statement must be accompanied by data that documents total tuition earnings for each separate school under the corporation's ownership at the close of its most recent fiscal year. If historical data is not available, the data must

project total tuition earnings for the school in its first or next completed twelve months of operation.

(3) Financial references.

(a) The school must furnish the names of at least one bank or other financial institution and two other entities that the agency may consult as financial references.

(b) A statement must be included authorizing the agency to obtain financial information from the references.

(4) A copy of the school's catalog. (See RCW 28C.10.050 (1)(c).) The school must publish a catalog or brochure that explains its operations and requirements. The catalog must be current, comprehensive, and accurate. The school must disclose the following in some combination of a catalog, brochure or other written material and furnish a copy of each to every prospective student prior to completing an enrollment agreement:

(a) Date of publication;

(b) Names of owners having a ten percent or more equity ownership and officers, including any governing boards, and the name and address of its parent corporation, if a subsidiary;

(c) Names, addresses, and telephone numbers of the school's administrative offices and all auxiliary facilities;

(d) Names and qualifications of faculty. The list must be accurate as of the date of catalog publication. Any changes of faculty must be noted on a catalog errata sheet;

(e) The school calendar, including hours of operation, holidays, enrollment periods, and the beginning and ending dates of terms, courses, or programs as may be appropriate;

(f) Admission procedures including policies describing all prerequisites needed by entering students to:

(i) Successfully complete the programs of study in which they are interested; and

(ii) Qualify for the fields of employment for which their education is designed;

(g) A description of the placement assistance offered, if any. If no assistance is offered, the school must make that fact known;

(h) The school's policy regarding student conduct, including causes for dismissal and conditions for readmission;

(i) The school's policy regarding leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(j) The school's policy regarding standards of progress required of the student. This policy must define the grading system, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory progress, a description of the probationary period, if any, allowed by the school, conditions for reentrance for those students dismissed for unsatisfactory progress; and information that a statement will be furnished to the student regarding satisfactory or unsatisfactory progress;

(k) An accurate description of the school's facilities and equipment available for student use, the maximum or usual class size and the average student/teacher ratio;

(l) The total cost of training including registration fee, if any, tuition, books, supplies, equipment, laboratory usage, special clothing, student activities, insurance and all other

charges and expenses necessary for completion of the program;

(m) A description of each program of instruction, including:

(i) Specific program objectives including the job titles for which the program purports to train;

(ii) The number of clock or credit hours of instruction, the method of instruction (e.g., correspondence, classroom, lab, computer assisted), and the average length of time required for successful completion;

(iii) If instruction is calculated in credit hours, the catalog must contain at least one prominent statement describing the contact hour conversion formula applied by the school; i.e., the number of contact hours applicable to each quarter or semester credit hour of lecture, laboratory/practicum, and/or internship/externship;

(iv) For the purpose of home study schools, instructional sequences must be described in numbers of lessons. "Home study school" means the instructional format of the school involves the sequential distribution of lessons to the student, who studies the material, completes an examination, and returns the examination to the school. The school then grades the examination (and, in some instances, provides additional comments and instruction), and returns the graded examination to the student along with the next set of instructional materials;

(n) The scope and sequence of courses or programs required to achieve the educational objective;

(o) A statement indicating the type of educational credential that is awarded upon successful completion;

(p) The school's cancellation and refund policy;

(q) The following statement must appear prominently on either the first or last printed page or inside the front or back cover: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD, ((BUILDING 17, AIR INDUSTRIAL PARK)) 128 TENTH AVENUE S.W., P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (360/753-5673);

(r) The availability of financial aid, if any;

(s) Supplements or errata sheets for the catalog and other written materials related to enrollment must be filed with the agency prior to being used (see RCW 28C.10.110(2));

(i) Supplements or errata sheets must be made an integral part of that publication;

(ii) The supplement or errata sheet must include its publication date;

(iii) In the event information on a supplement or errata sheet supplants information contained in the catalog, the insert must identify the information it replaces, including at the least an appropriate page reference.

(5) A copy of the school's enrollment agreement/contract. (See RCW 28C.10.050 (1)(d).) An enrollment agreement is any agreement that creates a binding obligation to purchase a course of instruction from a school. Each school must use an enrollment contract or agreement that includes:

(a) The school's cancellation and refund policy, in accordance with these rules, displayed in a type size no smaller than that used to meet any other requirements of this section;

(b) The following statement: THIS SCHOOL IS LICENSED UNDER CHAPTER 28C.10 RCW; INQUIRIES OR COMPLAINTS REGARDING THIS OR ANY OTHER PRIVATE VOCATIONAL SCHOOL MAY BE MADE TO THE: WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD, (~~BUILDING 17, AIRBUS TRIAL PARK~~) 128 TENTH AVENUE S.W., P.O. BOX 43105, OLYMPIA, WASHINGTON 98504-3105 (360/753-5673);

(c) Information that will clearly and completely define the terms of the agreement between the student and the school, including at least the following:

(i) The name and address of the school and the student;

(ii) The program or course title as it appears in the school's catalog, date training is to begin, and the number of hours or units of instruction or lessons for which the student is enrolled;

(iii) An itemization of all charges, fees, and required purchases being incurred by the student or his/her sponsor in order to complete the training. The student enrollment agreement must also contain the methods of payment and/or payment schedule being established;

(iv) Language explaining that the agreement will be binding only when it has been fully completed, signed and dated by the student and an authorized representative of the school prior to the time instruction begins;

(d) A statement that any changes in the agreement will not be binding on either the student or the school unless such changes have been acknowledged in writing by an authorized representative of the school and by the student or the student's parent or guardian if he/she is a minor;

(e) A "NOTICE TO THE BUYER" section which includes the following statements in a position above the space reserved for the student's signature:

(i) "DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACES. THIS IS A LEGAL INSTRUMENT.

(ii) ALL PAGES OF THE CONTRACT ARE BINDING.

(iii) READ BOTH SIDES OF ALL PAGES BEFORE SIGNING.

(iv) YOU ARE ENTITLED TO AN EXACT COPY OF THE AGREEMENT, SCHOOL CATALOG AND ANY OTHER PAPERS YOU SIGN AND ARE REQUIRED TO SIGN A STATEMENT ACKNOWLEDGING RECEIPT OF THOSE.

(v) IF YOU HAVE NOT STARTED TRAINING, YOU MAY CANCEL THIS CONTRACT BY PROVIDING WRITTEN NOTICE OF CANCELLATION TO THE SCHOOL AT ITS ADDRESS SHOWN ON THE CONTRACT. THE NOTICE MUST BE POSTMARKED NOT LATER THAN MIDNIGHT OF THE FIFTH BUSINESS DAY (EXCLUDING SUNDAYS AND HOLIDAYS) FOLLOWING YOUR SIGNING THIS CONTRACT OR THE WRITTEN NOTICE MAY BE PERSONALLY OR OTHERWISE DELIVERED TO THE SCHOOL WITHIN THAT TIME. IN EVENT OF DISPUTE OVER TIMELY NOTICE, THE BURDEN TO PROVE SERVICE RESTS ON THE APPLICANT.

(vi) IT IS AN UNFAIR BUSINESS PRACTICE FOR THE SCHOOL TO SELL, DISCOUNT OR OTHERWISE TRANSFER THIS CONTRACT OR PROMISSORY NOTE WITHOUT THE SIGNED WRITTEN CONSENT OF THE STUDENT OR HIS/HER FINANCIAL SPONSORS AND A WRITTEN STATEMENT NOTIFYING ALL PARTIES THAT THE CANCELLATION AND REFUND POLICY CONTINUES TO APPLY."

(f) Attached to each contract must be a form provided by the agency that contains statements relating to the student's

rights, responsibilities, and loan repayment obligations; and the school's responsibility to counsel the student against incurring excessive debt;

(g) The school must provide the student a copy of the signed enrollment agreement.

(6) Information regarding the qualifications of administrative and instructional personnel. (See RCW 28C.10.050 and 28C.10.060.) The education and experience of administrators, faculty, and other staff must be adequate to insure students will receive educational services consistent with the stated program objectives.

(a) The school must file the qualifications of all affected individuals with the agency within thirty calendar days of their employment. The information must be submitted on forms provided by the agency.

(b) The school must establish and enforce written policies for the qualification, supervision, and periodic evaluation of administrators, faculty, and staff.

(c) School directors must have at least two years of experience in either school or business administration, teaching, or other experience related to their duties within the organization.

(d) Faculty who teach a course related to an occupation for which the student must subsequently be licensed or certified must:

(i) Hold or be qualified to hold such a license or certificate and possess at least two years of work experience, post-secondary training or a combination of both in the subject they instruct; or

(ii) Possess current evidence of being qualified to teach that has been issued by a regulatory agency of this or another state.

(e) If the school uses teacher assistants, aides, or trainees, it must maintain policies governing their duties and functions. Such personnel may provide services to students only under the direct supervision of a qualified instructor. They may not act as substitutes for the instructor.

(f) Administrators, faculty, agents and other staff must be of good moral character and reputation. The agency may find that a person is not of good moral character and reputation if the person has been convicted of:

(i) Any felony within the prior seven years;

(ii) A misdemeanor which involved the illegal use, possession, or sale of a controlled substance; or

(iii) A misdemeanor that involved any sexual offense.

(g) If the person has been convicted of a felony, the agency will consider the relationship of the facts supporting the conviction to the performance of his or her occupational responsibilities with the licensed school and to that school's students.

(h) In making such determinations the agency will request a letter of recommendation from the employing school and may consider any other related materials submitted by the school and/or affected individual prior to making a finding under this section.

WSR 00-16-150
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed August 2, 2000, 11:32 a.m.]

Title of Rule: Longshore, stevedore and related waterfront operations, chapter 296-56 WAC.

Purpose: December of 1998, federal and state-initiated amendments were made to chapter 296-56 WAC, Safety standards for longshore, stevedore and related waterfront operations. These amendments were sent to the Occupational Safety and Health Administration (OSHA) for federal approval on February 17, 1999. We received a letter dated May 13, 1999, from OSHA indicating that there were areas in our standard that did not meet the "at-least-as-effective as" OSHA criteria. These amendments must be made to bring our requirements into compliance with the federal requirements as mandated. In addition, OSHA has made several housekeeping type amendments which are included in this proposal.

The following are the federal-initiated proposed changes:

WAC 296-56-60005 Definitions.

- Deleted the definition of "dockboard."
- Added definitions for "dockboards" and "ramps."

WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives.

- Added a reference.

WAC 296-56-60073 Miscellaneous auxiliary gear.

- Reformatted subsection (5).
- Corrected a measurement.
- Corrected Table C-1 and C-3.

WAC 296-56-60077 Powered industrial trucks.

- Corrected measurements.
- Added clarifying language relating to providing means for employees on platforms to shut off power to vehicles.

WAC 296-56-60083 Cranes and derricks.

- Corrected measurements.

WAC 296-56-60098 Examination and inspection of cranes and derricks.

- Added clarifying language relating to special stevedoring gear that suffers damage requiring structural repair will be inspected and retested after repair.
- Corrected measurements.

WAC 296-56-60103 Terminals handling intermodal containers or roll-on roll-off operations.

- Clarified language.

WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish.

- Corrected the spelling of "bailwater."

WAC 296-56-60109 Eye protection.

- Update ANSI reference to 1989 edition.

WAC 296-56-60111 Head protection.

- Update ANSI reference to 1986 edition.

WAC 296-56-60115 Other protective measures.

- Include requirements addressing the storage, patient restraints, bridle configuration, bridle strength and maintenance for stretchers.
- Clarified language relating to personal flotation devices.
- Corrected measurements.

WAC 296-56-60123 Guarding of edges.

- Corrected measurements.

WAC 296-56-60133 Manlifts.

- Corrected measurements.

WAC 296-56-60209 Fixed ladders.

- Corrected measurements.

WAC 296-56-60211 Portable ladders.

- Corrected measurements.

WAC 296-56-60215 Fixed stairways.

- Corrected measurements.

WAC 296-56-60217 Spiral stairways.

- Corrected a measurement.

WAC 296-56-60219 Employee exits.

- Corrected a measurement.

WAC 296-56-60223 Passage between levels and across openings.

- Corrected a measurement.
- Deleted the definitions for "dockboards" and "ramps." These definitions were added to WAC 296-56-60005.

WAC 296-56-60233 Related terminal operations and equipment—Machine guarding.

- Corrected measurements.

WAC 296-56-60235 Welding, cutting and heating (hot work).

- Corrected measurements.
- Added a reference.

WAC 296-56-60237 Spray painting.

- Corrected measurements.

WAC 296-56-60243 Fuel handling and storage.

- Corrected a measurement.

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

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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

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

Rule is necessary because of federal law, 29 C.F.R. 1917.26, 29 C.F.R. 1917.91, 29 C.F.R. 1917.93 (62 Fed. Reg. 40142 (1997)), 29 C.F.R. Part 1917 (65 Fed. Reg. 40936 - 40951 (2000)).

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

Proposal Changes the Following Existing Rules: See Purpose above.

NOTICE

THIS RULE IS BEING PROPOSED TO BE
 ADOPTED USING AN EXPEDITED RULE-MAKING

EXPEDITED ADOPTION

PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY October 2, 2000.

August 2, 2000

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60005 Definitions. "Apron" means that open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

"Assistant director for the division of WISHA services" means the assistant director of WISHA services, department of labor and industries or his/her authorized representative.

"Authorized," in reference to an employee's assignment, means selected by the employer for that purpose.

"Cargo door" (transit shed door) means a door designed to permit transfer of cargo to and from a marine terminal structure.

"Cargo packaging" means any method of containment for shipment, including cases, cartons, crates and sacks, but excluding large units such as intermodal containers, vans or similar devices.

"Confined space" means a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

- Is not designed for continuous employee occupancy.

"Conveyor" means a device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

"Danger zone" means any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

"Designated person" means a person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

"Dock" means a wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing

facilities; not to be confused with "loading dock" as at a transit shed or container freight station, or with the body of water between piers or wharves.

"Dock facilities" includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved or handled to or from a vessel.

~~("Dockboard" (bridge plate or car plate) means a device utilized to span the gap between railroad cars, or between railroad cars or highway vehicles and the loading dock or platform. A car plate may be fixed, adjustable, portable, powered, or unpowered.)~~ **"Dockboards" (car and bridge plates) mean devices for spanning short distances between rail cars or highway vehicles and loading platforms that do not expose employees to falls greater than 4 feet (1.22 m).**

"Enclosed space" means an indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

"Examination," as applied to material handling devices required to be certified by this chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

"Flammable atmosphere" means an atmosphere containing more than ten percent of the lower flammable limit (LEL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

"Front-end attachments."

• As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and side-shifting carriages, magnets, rams, crane arms or booms, load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

• As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell or magnet services.

"Fumigant" is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

"Hazardous cargo, material, substance or atmosphere" means:

- Any substance listed in chapter 296-62 WAC;
- Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172;
- Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 CFR Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 CFR Part 173;
- Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or
- Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

"House falls" means spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

"Inspection," as applied to material handling devices required to be certified by this chapter, includes a complete visual examination of all visible parts of the device.

"Intermodal container" means a reusable cargo container of rigid construction and rectangular configuration intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, demountable or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

"Loose gear" means removable or replaceable components of equipment or devices which may be used with or as a part of assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples include shackles and snatch blocks.

"Marina" means a small harbor or boat basin providing dockage, supplies, and services for small craft.

"Marine terminal" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel. It includes structures which are devoted to receiving, handling, holding, consolidation, loading or delivery of waterborne shipments and passengers, and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor storage facilities directly associated with those production or manufacturing areas.

"Permit-required confined space (permit space)" means a confined space that has one or more of the following characteristics:

- Contains or has a potential to contain a hazardous atmosphere;
- Contains a material that has the potential for engulfing an entrant;
- Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- Contains any other recognized serious safety or health hazard.

"Ramps" mean other flat-surface devices for passage between levels and across openings not covered under "dock-boards."

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-

60049, 296-56-60051 and 296-56-60053). (1) Whenever cargo in a space is or has been stowed, handled, or treated with a fumigant, pesticide, insecticide, or hazardous preservative, a determination shall be made as to whether a hazardous atmosphere is present in the space. Only employees protected as required in subsection (5) of this section shall enter the space if it is hazardous.

(2) Tests to determine the atmospheric concentration of chemicals used to treat cargo shall be:

- (a) Appropriate for the hazard involved;
- (b) Conducted by designated persons; and

(c) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved, see chapter 296-62 WAC.

(3) Results of any tests shall be available for at least thirty days.

(4) Chemicals shall only be applied to cargoes by designated persons.

(5) Only designated persons shall enter hazardous atmospheres. Whenever a hazardous atmosphere is entered the following provisions apply.

(a) Persons entering a space containing a hazardous atmosphere shall be protected by respiratory and emergency protective equipment meeting the requirements of part G of this standard; and

(b) Persons entering a space containing a hazardous atmosphere shall be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, shall continuously monitor the activity of employees within such a space.

(6) Signs shall be clearly posted where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs shall note the danger, identify specific chemical hazards, and give appropriate information and precautions, including instructions for the emergency treatment of employees affected by any chemical in use.

(7) In the case of containerized shipments of fumigated tobacco, the contents of the container shall be aerated by opening the container doors for a period of forty-eight hours after the completion of fumigation and prior to loading. When tobacco is within shipping cases having polyethylene or similar bag liners, the aeration period shall be seventy-two hours. The employer shall obtain a written warranty from the fumigation facility stating that the appropriate aeration period has been met.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60073 Miscellaneous auxiliary gear. (1) Routine inspection.

(a) At the completion of each use, loose gear such as slings, chains, bridles, blocks, and hooks shall be so placed as to avoid damage to the gear. Loose gear shall be inspected and any defects corrected before re-use.

(b) All loose gear shall be inspected by the employer or his/her authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe.

Any gear which is found upon inspection to be unsafe shall not be used until it is made safe.

(c) Defective gear shall not be used. Distorted hooks, shackles, or similar gear shall be discarded.

(d) Chains or other gear which have been lengthened, altered, or repaired by welding shall be properly heat treated, and before again being put into use, shall be tested and reexamined in the manner set forth in WAC 296-56-60097 and 296-56-60098.

(2) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identified. The records shall be available for examination by division of consultation and compliance personnel and the employee safety committee.

(3) Wire rope and wire rope slings.

(a) The employer shall ascertain and adhere to the manufacturer's recommended ratings for wire rope and wire rope slings and shall have such ratings available at the terminal. When the manufacturer is unable to supply such ratings, the employer shall use the tables for wire rope and wire rope slings found in American National Safety Standard for Slings, ANSI/ASME B30.9-1984. A design safety factor of at least five shall be maintained for the common sizes of running wire used as falls, in purchases or in such uses as light load slings. Wire rope with a safety factor of less than five may be used only:

(i) In specialized equipment, such as cranes designed to be used with lesser wire rope safety factors;

(ii) In accordance with design factors in standing rigging applications; or

(iii) For heavy lifts or other purposes for which a safety factor of five is impractical and for which the employer can demonstrate that equivalent safety is ensured.

(b) Wire rope or wire rope slings exhibiting any of the following conditions shall not be used:

(i) Ten randomly distributed broken wires in one rope lay or three or more broken wires in one strand in one rope lay;

(ii) Kinking, crushing, bird caging, or other damage resulting in distortion of the wire rope structure;

(iii) Evidence of heat damage;

(iv) Excessive wear, corrosion, deformation or other defect in the wire or attachments, including cracks in attachments;

(v) Any indication of strand or wire slippage in end attachments; or

(vi) More than one broken wire in the close vicinity of a socket or swaged fitting.

(c) Four by twenty-nine (4 x 29) wire rope shall not be used in any running rigging.

(d) Protruding ends of strands in splices on slings and bridles shall be covered or blunted. Coverings shall be removable so that splices can be examined. Means used to cover or blunt ends shall not damage the wire.

(e) Where wire rope clips are used to form eyes, the employer shall adhere to the manufacturer's recommendations, which shall be available at the terminal. If "U" bolt clips are used and the manufacturer's recommendations are not available, Table C-1 shall be used to determine the num-

ber and spacing of clips. "U" bolts shall be applied with the "U" section in contact with the dead end of the rope.

Table C-1— Number and Spacing of U-Bolt Wire Rope Clips

Improved plow steel, rope diameter	Minimum number of clips		Minimum spacing
	Drop forged	Other material	
inches/(cm)			inches/(cm)
1/2 or less (1.3)	3	4	3 (7.6)
5/8 (1.6)	3	4	3 3/4 (9.5)
3/4 (1.9)	4	5	4 1/2 (11.4)
7/8 (2.2)	4	5	5 1/4 (13.3)
1 (2.5)	5	7	6 (15.2)
1 1/8 ((2.7)) (2.9)	6	7	6 3/4 (17.1)
1 1/4 (3.2)	6	8	7 1/2 ((18.1)) (19.1)
1 3/8 (3.5)	7	8	8 1/4 (21.0)
1 1/2 (3.8)	7	9	9 (22.9)

(f) Wire rope shall not be secured by knots.

(g) Eyes in wire rope bridles, slings, bull wires, or in single parts used for hoisting shall not be formed by wire rope clips or knots.

(h) Eye splices in wire ropes shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wire cut from each strand. Other forms of splices or connections which are demonstrated to be equally safe may be used.

(i) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, shall consist of one continuous piece without knot or splice.

(4) Natural fiber rope.

(a) The employer shall ascertain the manufacturer's ratings for the specific natural fiber rope used and have such ratings available at the terminal. The manufacturer's ratings shall be adhered to and a minimum design safety factor of five maintained.

(b) Eye splices shall consist of at least three full tucks. Short splices shall consist of at least six full tucks, three on each side of the center line.

(5) Synthetic rope.

(a) The employer shall adhere to the manufacturer's ratings and use recommendations for the specific synthetic fiber rope used and shall have such ratings available at the terminal.

(b) Unless otherwise recommended by the manufacturer, when synthetic fiber ropes are substituted for manila ropes of less than three inches (7.62 cm) circumference, the substitute shall be of equal size. Where substituted for manila rope of three inches or more in circumference, the size of the synthetic rope shall be determined from the formula:

$$C = \sqrt{.6(C_s^2) + .4(C_m^2)}$$

Where C= the required circumference of the synthetic rope in inches, C_s= the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than that of the size manila rope that would be required by subsection (4) of this section, and C_m= the circumference of manila rope in inches which would be required by subsection (4) of this section.

(c) In making such substitution, it shall be ascertained that the inherent characteristics of the synthetic fiber are suitable for hoisting.

(6) Removal of natural and synthetic rope from service. Natural or synthetic rope having any of the following defects shall be removed from service:

- (a) Abnormal wear;
 - (b) Powdered fiber between strands;
 - (c) Sufficient cut or broken fibers to affect the capacity of the rope;
 - (d) Variations in the size or roundness of strands;
 - (e) Discolorations other than stains not associated with rope damage;
 - (f) Rotting; or
 - (g) Distortion or other damage to attached hardware.
- (7) Thimbles. Properly fitting thimbles shall be used where any rope is secured permanently to a ring, shackle or attachment, where practical.

(8) Synthetic web slings.

(a) Slings and nets or other combinations of more than one piece of synthetic webbing assembled and used as a single unit (synthetic web slings) shall not be used to hoist loads in excess of the sling's rated capacity.

(b) Synthetic web slings shall be removed from service if they exhibit any of the following defects:

- (i) Acid or caustic burns;
- (ii) Melting or charring of any part of the sling surface;
- (iii) Snags, punctures, tears or cuts;
- (iv) Broken or worn stitches;
- (v) Distortion or damage to fittings; or
- (vi) Display of visible warning threads or markers designed to indicate excessive wear or damage.

(c) Defective synthetic web slings removed from service shall not be returned to service unless repaired by a sling manufacturer or similar entity. Each repaired sling shall be proof tested by the repairer to twice the slings' rated capacity prior to its return to service. The employer shall retain a certificate of the proof test and make it available for examination.

(d) Synthetic web slings provided by the employer shall only be used in accordance with the manufacturer's recommendations, which shall be made available upon request.

(e) Fittings shall have a breaking strength at least equal to that of the sling to which they are attached and shall be free of sharp edges.

(9) Chains and chain slings used for hoisting.

(a) The employer shall adhere to the manufacturer's recommended ratings for safe working loads for the sizes of the wrought iron and alloy steel chains and chain slings used and shall have such ratings available. When the manufacturer is unable to provide such ratings, the employer shall use the

tables for chains and chain slings found in American National Safety Standard for Slings, ANSI B30.9-1971.

(b) Proof coil steel chain, also known as common or hardware chain, and other chain not recommended by the manufacturer for slinging or hoisting shall not be used for slinging or hoisting.

(c)(i) Sling chains, including end fastenings, shall be inspected for visible defects before each day's use and as often as necessary during use to ensure integrity of the sling.

(ii) Thorough inspections of chains in use shall be made quarterly to detect wear, defective welds, deformation, increase in length or stretch. The month of inspection shall be indicated on each chain by color of paint on a link or by other effective means.

(iii) Chains shall be removed from service when maximum allowable wear, as indicated in Table C-2, is reached at any point of link.

(iv) Chain slings shall be removed from service when stretch has increased the length of a measured section by more than five percent; when a link is bent, twisted or otherwise damaged; or when a link has a raised scarf or defective weld.

(v) Only designated persons shall inspect chains used for slinging and hoisting.

Table C-2 — Maximum Allowable Wear at Any Point of Link

Chain size		Maximum allowable wear	
Inches		Inches	(cm)
1/4 (9/32)	(0.6)	3/64	(0.1)
3/8	(1.0)	5/64	(0.2)
1/2	(1.3)	7/64	(0.3)
5/8	(1.6)	9/64	(0.4)
3/4	(1.9)	5/32	(0.4)
7/8	(2.2)	11/64	(0.4)
1	(2.5)	3/16	(0.5)
1 1/8	(2.9)	7/32	(0.6)
1 1/4	(3.2)	1/4	(0.6)
1 3/8	(3.5)	9/32	(0.7)
1 1/2	(3.8)	5/16	(0.8)
1 3/4	(4.4)	1 1/32	(0.9)

(d) Chains shall only be repaired under qualified supervision. Links or portions of chain defective under any of the criteria of WAC 296-56-60073 (9)(c) shall be replaced with properly dimensioned links or connections of material similar to that of the original chain. Before repaired chains are returned to service, they shall be tested to the proof test load recommended by the manufacturer for the original chain. Tests shall be performed by the manufacturer or shall be certified by an agency accredited for the purpose under WAC 296-56-60093. Test certificates shall be available at the terminal.

(e) Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months. Heat

treatment certificates shall be available at the terminal. Alloy chains shall not be annealed.

(f) Kinked or knotted chains shall not be used for lifting. Chains shall not be shortened by bolting, wiring or knotting. Makeshift links or fasteners such as wire, bolts or rods shall not be used.

(g) Hooks, rings, links and attachments affixed to sling chains shall have rated capacities at least equal to that of the chains to which they are attached.

(h) Chain slings shall bear identification of size, grade and rated capacity.

(10) Shackles.

(a) If available, the manufacturer's recommended safe working loads for shackles shall not be exceeded. In the absence of manufacturer's recommendations, Table C-3 shall apply.

(b) Screw pin shackles used aloft in house fall or other gear, except in cargo hook assemblies, shall have their pins moused or otherwise effectively secured.

Table C-3 — Safe Working Loads for Shackles

Material size				Safe working load in 2,000 lb tons
Inches	(cm)		(cm)	
1/2	(1.3)	5/8	(1.6)	1.4
5/8	(1.6)	3/4	(1.9)	2.2
3/4	(1.9)	7/8	(2.2)	3.2
7/8	(2.2)	1	(2.5)	4.3
1	(2.5)	1 1/8	(2.9)	5.6
1 1/8	(2.9)	1 1/4	(3.2)	6.7
1 1/4	(3.2)	1 3/8	(3.5)	8.2
1 3/8	(3.5)	1 1/2	(3.8)	10.0
1 1/2	(3.8)	1	((4.4)) (4.1)	11.9
		<u>5/8</u>		
1 3/4	(4.4)	2	((5.0)) (5.1)	16.2
2	((5.0)) (5.1)	2 1/4	(5.7)	21.2

(c) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed, however, a safety factor of not less than five shall be maintained.

TABLE G-1
MANILA ROPE
In Pounds or Tons of 2,000 Pounds

Circumference	Diameter In Inches	Single Leg	60 Degree	45 Degree	30 Degree
		Lbs.	Lbs.	Lbs.	Lbs.
3/4	1/4	120	204	170	120
1	5/16	200	346	282	200
1 1/8	3/8	270	467	380	270
1 1/4	7/16	350	605	493	350
1 3/8	15/32	450	775	635	450
1 1/2	1/2	530	915	798	530
1 3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2 1/4	3/4	1080	1870	1520	1080
2 1/2	13/16	1300	2250	1830	1300
2 3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
		Tons	Tons	Tons	Tons
3 1/4	1 1/16	1.0	1.7	1.4	1.0
3 1/2	1 1/8	1.2	2.1	1.7	1.2
3 3/4	1 1/4	1.35	2.3	1.9	1.35
4	1 5/16	1.5	2.6	2.1	1.5
4 1/2	1 1/2	1.8	3.1	2.5	1.8
5	1 5/8	2.25	3.9	3.2	2.25
5 1/2	1 3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6 1/2	2 1/8	3.6	6.2	5.1	3.6

TABLE G-2 RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE SLINGS (IN TONS OF 2,000 POUNDS)

Rope Diameter Inches	Single Leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11	10	9.0	8.5	7.8	6.8
6 x 37 Classification						
1-1/4"	13	12	10	9.9	9.2	7.9
1-3/8"	16	15	13	12	11	9.6
1-1/2"	19	17	15	14	13	11
1-3/4"	26	24	20	19	18	15
2"	33	30	26	25	23	20
2-1/4"	41	38	33	31	29	25

(A) — Socket or Swaged Terminal attachment.
 (B) — Mechanical Sleeve attachment.
 (C) — Hand Tucked Splice attachment.

EXPEDITED ADOPTION

TABLE G-3 RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE, SLINGS (IN TONS OF 2,000 POUNDS)

Rope dia. inches	Two-leg bridle or basket hitch											
	Vertical			60 Degree			45 Degree			30 Degree		
	A	B	C	A	B	C	A	B	C	A	B	C
6 x 19 Classification												
1.4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3.8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1.2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5.8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7.8"	14	13	11	12	11	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18	17	14	15	15	12	13	12	10	9.0	8.5	7.2
1.3.8"	23	21	18	19	18	16	16	15	13	11	10	9.0
6 x 37 Classification												
1.1.4"	26	24	21	23	21	18	19	17	15	13	12	10
1.3.8"	32	29	25	28	25	22	22	21	18	16	15	13
1.1.2"	38	35	30	33	30	26	27	25	21	19	17	15
1.3.4"	51	47	41	44	41	35	36	33	29	26	24	20
2"	66	61	53	57	53	46	47	43	37	33	30	26
2.1.4"	83	76	66	72	66	57	58	54	47	41	38	33

(A) Socket or Swaged Terminal Attachment.
 (B) Mechanical Sleeve Attachment.
 (C) Hand Tucked Splice Attachment.

TABLE G-5 RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS (IN TONS OF 2,000 POUNDS)

Rope dia. inches	Two-leg bridle or basket hitch											
	Vertical			60 Degree			45 Degree			30 Degree		
	A	B	C	A	B	C	A	B	C	A	B	C
6 x 19 Classification												
1.4"	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3.8"	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1.2"	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5.8"	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3.4"	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7.8"	13	12	10	11	10	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1"	17	15	13	14	13	11	12	11	9.4	8.4	7.7	6.7
1.1.2"	21	19	17	18	16	14	15	13	12	10	9.5	8.4
6 x 37 Classification												
1.1.4"	25	23	20	21	19	17	17	16	14	12	11	9.8
1.3.8"	30	27	24	26	23	20	21	19	17	15	13	12
1.1.2"	35	32	28	30	27	24	25	22	20	17	16	14
1.3.4"	48	43	38	41	37	33	34	30	27	24	21	19
2"	62	55	49	53	48	43	43	39	35	31	28	25

(A) Socket or Swaged Terminal Attachment.
 (B) Mechanical Sleeve Attachment.
 (C) Hand Tucked Splice Attachment.

TABLE G-6 ALLOY STEEL CHAIN (In Tons of 2,000 Pounds)

Nominal Size Chain Stock Inch	Single Leg	60 Degree	45 Degree	30 Degree
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1 1/8	22.2	38.5	31.5	22.2
1 1/4	28.7	49.7	40.5	28.7
1 3/8	33.5	58.0	47.0	33.5
1 1/2	39.7	68.5	56.0	39.7
1 5/8	42.5	73.5	59.5	42.5
1 3/4	47.0	81.5	62.0	47.0

(11) Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point may overstress, bend, or spring the hook.

(c) Hooks shall be inspected once a month to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Crane hooks. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

TABLE G-4 RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS (In Tons of 2,000 pounds)

Rope dia. Inches	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10	9.5	8.4	7.9	7.1	6.3
6 x 37 Classification						
1-1/4	12	11	9.8	9.2	8.3	7.4
1-3/8	15	13	12	11	10	8.9
1-1/2	17	16	14	13	12	10
1-3/4	24	21	19	18	16	14
2	31	28	25	23	21	18

(A) — Socket or Swaged Terminal attachment.
 (B) — Mechanical Sleeve attachment.
 (C) — Hand Tucked Splice attachment.

EXPEDITED ADOPTION

(e) Any activity which involves the use of radioactive materials or x-rays, whether or not under license from the Nuclear Regulatory Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

(f) Teeth of case hooks shall not be split, cracked, or deformed.

(g) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

(12) Pallets.

(a) Pallets shall be made and maintained to safely support and carry loads being handled. Fastenings of reusable pallets used for hoisting shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent holding strength.

(b) Damaged pallets shall be stored in designated areas and identified.

(c) Reusable wing or lip-type pallets shall be hoisted by bar bridles or other suitable gear and shall have an overhanging wing or lip of at least three inches (~~((76.2 mm))~~) (7.62 cm). They shall not be hoisted by wire slings alone.

(d) Loaded pallets that do not meet the requirements of this paragraph shall be hoisted only after being placed on pallets meeting such requirements or shall be handled by other means providing equivalent protection.

(e) Bridles for handling flush end or box-type pallets shall be designed to prevent disengagement from the pallet under load.

(f) Pallets shall be stacked or placed to prevent falling, collapsing or otherwise causing a hazard under standard operating conditions.

(g) Disposable pallets intended only for one use shall not be re-used for hoisting.

AMENDATORY SECTION (Amending WSR 00-01-176, filed 12/21/99, effective 3/1/00)

WAC 296-56-60077 Powered industrial trucks. (1) Applicability. This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. Employers must comply with the provisions of WAC 296-24-230 and this section. It does not apply to over-the-road vehicles.

(2) General.

(a) Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety shall not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals shall be changed to conform to the equipment as modified.

(b) Unauthorized personnel shall not ride on powered industrial trucks. A safe place to ride shall be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means shall be fully lowered, controls neutral-

ized and brakes set. Unless the truck is in view and within twenty-five feet (~~((7-6))~~ 7.62 m) of the operator, power shall be shut off. Wheels shall be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks shall not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks shall be marked with their rated capacities, which shall be visible to the operator.

(f) Only stable and safely arranged loads within the rated capacity of the truck shall be handled.

(g) Drivers shall ascend and descend grades slowly.

(h) Drivers shall slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view drivers shall travel with the load trailing.

(j) Steering knobs shall not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means shall be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(3) Maintenance.

(a) Only designated persons shall perform maintenance and repair.

(b) Batteries on all powered trucks shall be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy shall be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety shall be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking shall be operable and in safe condition.

(e) Powered industrial trucks shall be maintained in safe working order. Safety devices shall not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect shall not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated as safe for such repairs.

(4) Approved trucks.

(a) "Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.

(b) Approved trucks acquired and used after February 15, 1972, shall bear a label or other identification indicating testing laboratory approval.

(c) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 CFR 126.15(e) do not apply, only power-operated industrial trucks approved for such locations shall be used.

(5) Duties of operator.

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) Unobstructed view. When traveling, power-propelled vehicles shall at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel. Where this is impractical, the operator shall be directed in travel, by a person designated to do so.

(c) Employee riding safety. Operators and authorized passengers shall not be permitted to ride with legs or arms extending outside any vehicle nor shall they be permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) Moving vehicles. Vehicles shall be controlled manually while being pushed or towed except when a tow bar is used. Special precautions shall be taken when pushing vehicles where view is obstructed. Vehicles shall not be pushed with blades of a forklift.

(e) Moving highway trailers. In all cargo operations involving the use of highway trailers, trailers shall be moved in such a manner that the moving trailer is completely under control at all times. Special caution shall be exercised when such trailers are moving on inclines. Trailers shall be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer shall be evenly distributed so as not to cause the trailer to tip to one side.

(f) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

(g) Regular seats for riders. No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

(h) Jumping on or off moving vehicles. Employees shall not jump on or off moving vehicles.

(i) Reporting defects. If a power-driven vehicle is at any time found to be in any way unsafe, the operator shall report same immediately to the person in charge and such vehicle shall not be used for production work until it has been made safe.

(6) Vehicle equipment and maintenance.

(a) Horns and lights. All power-propelled vehicles shall be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area shall be equipped with a light or lights directed in the direction of travel in order to safely travel about the area.

(c) Guards on operator's platform. Every power truck operated from an end platform or standing position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

(d) Seat cushions. All vehicles having a driver's seat shall be provided with resilient seat cushions fixed in place.

(e) Securing of counterbalances. Counterbalances of all power-driven vehicles shall be positively secured to prevent accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

(f) Exhaust pipes and mufflers. Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes shall be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

(g) Ventilation where internal combustion vehicles are used. Internal combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC 296-56-60055.

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) Cargo truck couplings. Couplings installed on cargo trucks (four-wheelers) shall be of a type which will prevent accidental disengaging.

(k) Operating levers. Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body.

(l) Front axle assembly. The front axle assembly on all trailers shall be securely fastened to the truck bed.

(m) Air line hook-up. Tractors hauling heavy duty highway trailers shall have an air line brake hook-up.

(n) Floor mats. On power-driven vehicles where the operator stands on a platform, resilient foot mats shall be securely attached.

(o) Cleaning vehicles. All power-propelled vehicles shall be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) Forklift trucks.

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, forklift trucks shall be equipped with securely attached overhead guards. Guards shall be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards shall not obstruct the operator's view, and openings in the top of the guard shall not exceed six inches (~~((15.2))~~ 15.24 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards shall be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards shall be large enough to extend over the operator during all truck operations, including forward tilt.

(b) Supplies to ship's rail. Cargo or supplies shall not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) Position of forks. When standing, lift forklift forks shall be lowered to floor. When moving, lift forklift forks shall be kept as low as possible.

(d) Forklift use in gangplank moving. Not less than two forklifts shall be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) Forklift seat covers. Seats on forklifts shall be provided with a removable waterproof cover when they are exposed to the weather.

(f) Raised equipment to be blocked. Workers shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall be used in conjunction with the jack.

(g) Maximum speed. The maximum speed for forklifts on all docks shall not exceed eight miles per hour. The speed limit shall be prominently posted on such docks.

(h) Load backrest extensions. Where necessary to protect the operator, forklift trucks shall be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) Forks. Forks, fork extensions and other attachments shall be secured so that they cannot be accidentally dislodged, and shall be used only in accordance with the manufacturer's recommendations.

(j) Counterweights. Counterweights shall be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights.

(i) Forklift truck rated capacities, with and without removable counterweights, shall not be exceeded. Rated capacities shall be marked on the vehicle and shall be visible to the operator. The vehicle weight, with and without counterweight, shall be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

(l) Lifting of employees. Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform shall meet the following requirements:

(i) The platform shall have a railing complying with WAC 296-56-60123(3).

(ii) The platform shall have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform shall be protected from exposure to moving truck parts.

(v) The platform floor shall be skid resistant.

(vi) A truck operator shall be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) When the truck has controls elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(viii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) Bulk cargo-moving vehicles.

(a) Where a seated operator may come into contact with projecting overhead members, crawler-type bulk-cargo-moving vehicles that are rider operated shall be equipped with operator guards.

(b) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(c) After July 26, 1999, bulk cargo-moving vehicles shall be equipped with rollover protection of such design and construction as to prevent the possibility of the operator being crushed because of a rollover or upset.

(9) Straddle trucks.

(a) Accessibility. Straddle trucks shall have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding.

(i) Main sprockets and chains to the wheels shall be guarded as follows:

(A) The upper sprocket shall be fully enclosed;

(B) The upper half of the lower sprocket shall be enclosed; and

(C) The drive chain shall be enclosed to a height of eight feet ((~~2-6~~) 2.44 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears shall be fully enclosed and revolving parts which may be contacted by the operator shall be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards shall be provided around leading edges of front and rear wheels.

(c) Visibility. Operator visibility shall be provided in all directions of movement.

(10) Trailer-spotting tractors.

(a) Trailer-spotting tractors (fifth wheels) shall be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows shall be of safety glass or equivalent material.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60083 Cranes and derricks. (1) Scope.

(a) This section through WAC 296-56-60103 applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) Ratings.

EXPEDITED ADOPTION

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables shall have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart shall include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer shall be included.

(b) The manufacturer's (or design) rated loads for the conditions of use shall not be exceeded.

(c) Designated working loads shall not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis shall be performed or approved by a person accredited for certifying the equipment under WAC 296-56-60093. Cranes shall conform with the manufacturer's specifications or any current ANSI standards that apply. Engineering design analysis shall be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating shall be carried out.

(3) Radius indicator. When the rated load varies with the boom radius, the crane or derrick shall be fitted with a boom angle or radius indicator visible to the operator.

(4) Prohibited usage.

(a) Equipment shall not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation shall be used.

(5) Protective devices.

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts shall be securely guarded.

(b) Crane hooks shall be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook shall have a positive safety latch to prevent rollouts.

(6) General.

(a) Operating controls.

(i) Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(ii) All crane controls shall operate in a uniform manner within a given port.

(iii) Overhead bridge and container gantry crane operating control levers shall be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) Booms. Cranes with elevatable booms and without operable automatic limiting devices shall be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) Foot pedals. Foot pedals shall have a nonskid surface.

(d) Access. Ladders, stairways, stanchions, grab irons, foot steps or equivalent means shall be provided as necessary

to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks shall be of rigid construction, and shall be capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders shall comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes shall be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign shall be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) shall be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) Operator's station. The cab, controls, and mechanism of the equipment shall be so arranged that the operator has a clear view of the load or signal person, when one is used. Cab glass, when used, shall be safety plate glass or equivalent and good visibility shall be maintained through the glass. Clothing, tools and equipment shall be stored so as not to interfere with access, operation, or the operator's view.

(f) A seat (lap) belt, meeting the requirements of 49 CFR 571.208-210 for a Type 1 seat belt assembly, shall be installed on the operator's seat of high speed container gantry cranes where the seat trolleys.

(g) Counterweights or ballast. Cranes shall be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight shall be located and secured only as provided in the manufacturer's or design specifications, which shall be available.

(h) Outriggers. Outriggers shall be used according to the manufacturer's specifications or design data, which shall be available. Floats, when used, shall be securely attached to the outriggers. Wood blocks or other support shall be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(i) Exhaust gases. Engine exhaust gases shall be discharged away from the normal position of crane operating personnel.

(j) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(k) Fire extinguisher.

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent shall be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents shall be used.

(l) Rope on drums. At least three full turns of rope shall remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope shall be

secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(m) Assembly or disassembly of boom sections. Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness shall be blocked to prevent dropping of the boom or boom sections.

(n) Brakes.

(i) Each independent hoisting unit of a crane shall be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, shall, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units shall have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically-controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means shall be capable of maintaining safe lowering speeds of rated loads.

(o) Each crane or derrick shall be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses shall be illuminated at a minimum of two candle power.

(p) Light fixtures connected to the boom, gantry legs, or machinery house shall be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(q) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(r) On all rail gantry cranes, truck guards shall extend on the ends of the trucks, close to the top of the rail to prevent worker's feet from being caught between the rail and wheel. This subsection does not apply if rail sweeps are present.

(s) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) shall be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(t) Gantry cranes shall be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) Rail-mounted cranes (excluding locomotive types).

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) Rated load marking. The rated loads of bridge cranes shall be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist shall have its rated load marked on it or on its load block. Marking shall be legible from the ground level.

(c) Wind-indicating devices.

(i) Each rail-mounted bridge and portal crane located outside of an enclosed structure shall be fitted with an operable wind-indicating device.

(ii) The wind indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel shall be stopped; and

(B) The crane shall be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel shall be moved clear of the vessel if safe to do so; and

(B) The crane shall be secured against travel, using all available means of securing.

(e) The employer shall monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) Stops and bumpers.

(i) The ends of all tracks shall be equipped with stops or bumpers. If a stop engages the tread of the wheel, it shall be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane or trolley shall be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks shall be equipped with personnel-deflecting guards.

(h) Pedestrian clearance. If the track area is used for employee passage or for work, a minimum clearance of three feet ((0-9)) 0.91 m shall be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area shall not be used and shall be marked and identified.

(i) Warning devices. Rail-mounted cranes shall be equipped with an effective audible and visible travel warning device which shall be used to warn employees who may be in the path of the moving crane.

(j) Communications.

(i) Means of communication shall be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity shall be equipped with a voice hailing device (PA system) from the operator to the ground, audible within one hundred feet.

(k) Limit switch bypass systems shall be secured during all cargo operations. Such bypass systems shall not be used except in an emergency or during noncargo handling operations such as stowing cranes or derricks or performing repairs. When a situation requiring the use of a bypass system or the readjustment of a limit switch arises, it shall be done only under the direction of a crane mechanic.

(l) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes, derricks, and crane operations.

(m) Signal persons. A signal person shall be required when a crane operator's visibility is obstructed. When a signal person is required to transmit hand signals, they shall be in such a position that the operator can plainly see the signals.

(n) Signals. All operators and signal persons shall use standard signals as illustrated for longshore crane operations. (See Appendices C and D, at the end of this chapter.)

(o) Signal person for power units. Where power units, such as cranes and winches are utilized and signaling is required, the operator shall be instructed as to who is authorized to give signals. The operator shall take signals only from such authorized person. In case of emergency, any worker shall be authorized to give a stop signal.

(i) No draft shall be hoisted unless the winch or crane operator can clearly see the draft itself or see the signals of any signal person associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(p) Landing loads. Persons assisting in landing a load shall face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) Stabilizing of locomotive cranes. Loads may be hoisted by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) Operations.

(a) Use of cranes together. When two or more cranes hoist a load in unison, a designated person shall direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) Guarding of swing radius. Accessible areas within the swing radius of the body of a revolving crane shall be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) Securing mobile crane components in transit. The crane's superstructure and boom shall be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment shall be secured.

(d) Unattended cranes. The following steps shall be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, shall be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches shall be disengaged;

(iii) The power supply shall be shut off;

(iv) The crane shall be secured against accidental travel; and

(v) The boom shall be lowered or secured against movement.

(e) Operating near electric power lines.

(i) Clearance. Unless electrical distribution and transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load shall be ten feet (~~((3))~~ 3.05 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load shall be either 10 feet (~~((3))~~ 3.05 m) plus 0.4 inch (~~((40))~~ 10.16 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance shall be a minimum of four feet (~~((+2))~~ 1.22 m).

(ii) Boom guards. Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they shall not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) Determination of energized lines. Any overhead line shall be presumed to be energized until the owner of the line indicates that it is not energized.

(10) Protection for employees being hoisted.

(a) No employee shall be hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform shall be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which shall not be exceeded, and the weight of the platform itself;

(D) Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line

is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel shall operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel shall be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees shall be inspected for defects before each day's use and shall be removed from service if defective.

(e) Employees being hoisted shall remain in continuous sight of and communication with the operator or signal person.

(f) Operators shall remain at the controls when employees are hoisted.

(g) Cranes shall not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders shall be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings shall be fitted with a means of closure, such as chains with hooks. Existing railings shall be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 shall be forty-two inches (1.07 m), plus or minus three inches ((7-6)) 7.62 cm, in height. The provisions of (a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks shall be used.

(j) Employees shall not be hoisted on intermodal container spreaders while a load is engaged.

Additional requirements are located in WAC 296-24-23533.

(11) Routine inspection.

(a) Designated persons shall visually inspect each crane and derrick on each day of use for defects in functional operating components and shall report any defect found to the employer. The employer shall inform the operator of the findings.

(b) A designated person shall thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard shall be corrected before further use. Repairs shall be performed only by designated persons.

(d) A record of monthly inspections shall be maintained for six months in or on the crane or derrick or at the terminal.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60098 Examination and inspection of cranes and derricks. (1) An examination shall be carried out in conjunction with each annual unit proof load test. The accredited person, or their authorized representative, shall

make a determination as to correction of deficiencies found. The examination shall include the following: (Refer to WAC 296-56-60093(8) for definition of accredited person.)

(a) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations shall include operation with partial load, in which all functions and movements, including maximum possible rotation in both directions, are checked.

(b) All safety devices shall be examined for malfunction.

(c) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(d) Rope reeving shall comply with the manufacturer's recommendations.

(e) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(f) Loose bolts, rivets, or other connections shall be corrected.

(g) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(h) All brakes, used to control the load, boom or travel of the crane, shall be tested. Air, hydraulic, or electrically operated brakes shall be of such design as to set and stop the load if the source of power fails.

(i) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(j) Load, boom angle, or other indicators shall be checked over their full range. Defects in such indicators shall be immediately corrected.

(k) Where used, clamshell buckets or other similar equipment, such as magnets, shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests deemed appropriate.

(l) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts, shall be made.

(m) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping shall be of a nonslip material. Wire rope used for railings on cranes shall be kept taut at all times.

Note: In critical areas such as footwalks along booms, a grating material should be used.

(n) No counterweights in excess weight of the manufacturer's specifications shall be fitted or used.

(o) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

(2) Wire rope.

(a) All wire rope shall be inspected at least once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope shall be kept and shall be available to the department of labor and industries represent-

tative. Records shall be kept for one year. Refer to the general safety and health standards, WAC 296-24-24013.

(b) Wire rope shall not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation available for inspection shall include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or wire rope manufacturer due to actual working conditions. In the absence of specific requirements, wire rope shall be of a size and construction suitable for the purpose, and shall have the capacity to handle five times the heaviest expected load, verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

(3)(a) Accessory components. Container spreader bar twist locks shall be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks shall be discarded immediately and not reused.

(b) Crane hooks and container spreader bar twist lock. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

(4) In the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate attesting to compliance with the manufacturer's specifications shall be part of the available documentation. Heat treatment shall be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

(5) Replacement parts shall be of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications shall be such as to render the equipment equal to or better than the original construction or design.

(6) In cases of foreign manufactured cranes, there shall be an owner's warranty that the design is adequate for the intended use. The warranty shall be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

(7) The certifications required by this section shall be performed in accordance with WAC 296-56-60093 by persons accredited by the assistant director of WISHA services.

(8) The marine terminal material handling devices listed below shall be certified in the following manner:

(a) Each crane and derrick shall be tested and examined as a unit annually. A copy of the certificate of tests and examinations shall be posted in the crane operator's cab.

(b) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers supporting them vertically, shall be examined annually. Certificates attesting to the required examination shall be made readily available for inspection.

(c) Vertical pocket or bucket conveyors such as banana, sugar, and grain marine legs (other than those within a grain elevator structure) used within a marine terminal facility shall be examined annually. The annual examination shall include all supporting structures, rigging, mechanical components and observation of all steps of operations. Certificates attesting to the required examinations shall be readily available for inspection.

(d)(i) House fall cargo-handling gear shall be proof load tested as a unit upon initial certification and every fourth year thereafter. An examination shall be carried out in conjunction with each unit proof load test and annually thereafter. The unit test shall consist of a proof load of twenty-five percent in excess of the rated safe working load. Examinations shall include all supporting structures and components. Certificates attesting to the required tests and examinations shall be readily available for inspection.

(ii) House fall span beams or other house fall block supports shall be marked with the safe working load, which shall not be exceeded.

(e) Special gear.

(i) Special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in accordance with the following table before initially being put into use (see Table A). In addition, any special stevedoring gear that suffers damage necessitating structural repair shall be inspected and retested after repair and before being returned to service.

Table A

Safe Working Load	Proof Load
Up to 20 short tons	25 percent in excess
Over 20 to 50 short tons	5 short tons in excess
Over 50 short tons	10 percent in excess

(ii) Special stevedoring gear provided by the employer that has a SWL of five short tons (10,000 or ((4-5)) 4.54 metric tons) or less shall be inspected and tested as a unit before initial use according to (d) and (e) of this subsection or by a designated person (see Table A).

(iii) Every spreader not a part of ship's gear and used for hoisting intermodal containers shall be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair shall be retested after repair and before being returned to service.

EXPEDITED ADOPTION

(iv) Certificates attesting to the required tests shall be available for inspection.

(v) All cargo handling gear covered by this section with a SWL greater than five short tons (10,000 lbs. or ((4.5)) 4.54 metric tons) shall be proof load tested according to Table A every four years in accordance with subsection (7) of this section or by a designated person.

(f) Wire rope and loose gear used for material handling shall be tested and certified before being placed into use in accordance with the provisions of WAC 296-56-60097. Certificates attesting to the required tests, inspections and examinations shall be available.

(9) Disassembly and reassembly of equipment does not require recertification of the equipment provided that the equipment is reassembled and used in a manner consistent with its certification.

(10) Equipment certified in Washington and transferred to a site in another state does not require recertification in this state upon its return, until the next inspection or examination becomes due as if it had not been moved.

(11) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

(12)(a) Every unit of equipment requiring annual certification shall have had such annual certification within the previous twelve months. Equipment requiring annual certification shall have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When certified equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, shall be performed before the equipment re-enters service.

(13) Loose gear shall bear a legible mark indicating that it has been tested (see WAC 296-56-60097). Single sheave blocks shall be marked with safe working loads and proof test loads. Marks relating to testing shall be identifiable on the related certificates, which shall be available.

(14) The certification requirements of this section do not apply to the following equipment:

- (a) Industrial trucks and small industrial crane trucks; and
- (b) Any straddle truck not capable of straddling two or more intermodal containers sixteen feet (4.88 m) in width.

(15) Safe working load.

(a) The safe working load of gear as specified in this section shall not be exceeded.

(b) All cargo handling gear provided by the employer with a safe working load greater than five short tons (10,000 lbs. or ((4.5)) 4.54 metric tons) shall have its safe working load plainly marked on it.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60103 Terminals handling intermodal containers or roll-on roll-off operations. (1) Every intermodal container shall be legibly and permanently marked with:

- (a) The weight of the container when empty, in pounds;
 - (b) The maximum cargo weight the container is designed to carry, in pounds; and
 - (c) The sum of the maximum weight of the container with cargo, in pounds (gross container capacity).
- (2) No container shall be hoisted by any crane or derrick unless the following conditions have been met:

(a) The employer shall ascertain from the carrier whether a container to be hoisted is loaded or empty. Empty containers shall be identified before loading or discharge in such a manner as will inform every supervisor and foreman on the site and in charge of loading or discharging, and every crane or other hoisting equipment operator and signalman, if any, that the container is empty. Methods of identification may include cargo plans, manifests or markings on the container.

(b) In the case of a loaded container:

(i) The actual gross weight shall be plainly marked so as to be visible to the crane operator, other hoisting equipment operator, signalman, and to every supervisor and foreman on the site and in charge of the operation; or

(ii) The cargo stowage plan or equivalent permanently recorded display serving the same purpose, containing the actual gross weight and the serial number or other positive identification of that specific container, shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation.

(c) Every outbound loaded container which is received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight before being hoisted.

(d)(i) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual weight before being hoisted.

(ii) If the terminal has no scales, the actual gross weight may be calculated on the basis of the container's contents and the container's empty weight. The weights used in the calculation shall be posted conspicuously on the container, with the name of the person making the calculation and the date.

(iii) Container weights shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights, the weight of containers so calculated at the source from which the inaccurate weights originated shall no longer be recognized as true gross weights. Such containers shall not be hoisted unless actual gross weights have been obtained by weighing.

(e) The following containers are exempted from the requirements of (c) and (d) of this subsection:

- (i) Open type vehicle containers.

(ii) The container is marked on the outside in such a manner that an employee can readily discern that the container is carrying vehicles.

(iii) Containers built specifically for the carriage of compressed gases.

(iv) The container carries only completely assembled vehicles and no other cargo.

(v) The vehicles were loaded into the container at the marine terminal.

(f) The weight of loaded inbound containers from foreign ports shall be determined by weighing or by the method of calculation described in (d)(ii) of this subsection or by shipping documents.

(g) Any scale used within Washington state to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(3) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in subsection (1)(c) of this section, or if it exceeds the capacity of the crane or other hoisting device intended to be used.

(4)(a) Marked or designated areas shall be set aside within a container or roll-on roll-off terminal for passage of employees to and from active cargo transfer points, except where transportation to and from those points is provided by the employer.

(b) The employer shall direct employees to stay clear of the area beneath a suspended container. Employees shall stay clear of the area beneath a suspended container.

(5) Each employee working in the immediate area of container handling equipment or in the terminal's traffic lanes shall wear a high visibility vest (or equivalent protection).

Note to subsection (5): High visibility vests or equivalent protection means high visibility/retroreflective materials which are intended to provide conspicuity of the user by day through the use of high visibility (fluorescent) material and in the dark by vehicle headlights through the use of retroreflective material. The minimum area of material for a vest or equivalent protection is .5m(2)(760 in.(2)) for fluorescent (background) material and .13m(2)(197 in.(2)) for retroreflective material. Vests or equivalent protection, such as high visibility/retro-reflective coveralls, that are available for industrial use, may also be acceptable.

(6) Containers shall be handled using lifting fittings or other arrangements suitable and intended for the purposes as set forth in (a) and (c) of this subsection, ~~((except))~~ unless when damage to an intermodal container makes special means of handling necessary.

(a) Loaded intermodal containers of twenty feet (6.1 m) or more in length shall be hoisted as follows:

(i) When hoisting by the top fittings, the lifting forces shall be applied vertically from at least four top fittings or by means which will safely lift the container without damage. The lifting fittings provided shall be used.

(A) The container being lifted is an ISO closed box container;

(B) The condition of the box is sound;

(C) The speed of hoisting and lowering is moderated when heavily laden containers are encountered;

(D) The lift angle is at eighty to ninety degrees;

(E) The distance between the lifting beam and the load is at least eight feet and 2.4 inches (2.5m); and

(F) The length of the spreader beam is at least 16.3 feet (5 m) for a twenty-foot container, and at least 36.4 feet ~~((+))~~ 11.1 m for a forty-foot container.

(ii) If hoisted from bottom fittings, the hoisting connections shall bear on the fittings only, making no other contact with the container. The angles of the four bridle legs shall not be less than thirty degrees to the horizontal in the case of forty foot (12.2 m) containers, thirty-seven degrees in the case of thirty foot (9.1 m) containers, or forty-five degrees in the case of twenty foot (6.1 m) containers.

(iii) Lifting containers by fork lift trucks or by grappling arms from above or from one side may be done only if the container is designed for this type of handling.

(b) Other means of hoisting may be used only if the containers and hoisting means are designed for such use.

(c)(i) When using intermodal container spreaders that employ lanyards for activation of load-disengagement, all possible precautions shall be taken to prevent accidental release of the load.

(ii) Intermodal container spreader twistlock systems shall be designed and used so that a suspended load cannot accidentally be released.

(d) Flat bed trucks or container chassis used to move intermodal containers shall be equipped with pins, flanges, or other means to prevent the container from shifting.

(e) Flat bed, low boy trailers (mafis) and other similar equipment used to transport containers shall be marked with their cargo capacities and shall not be overloaded.

(f) Each tractor shall have all brake air lines connected when pulling trailers equipped with air brakes and shall have the brakes tested before commencing operations.

(7)(a) Intermodal containers shall be inspected for defects in structural members or fittings before handling.

(b) Any intermodal container found to be unsafe shall be identified as such, promptly removed from service and repaired before being returned to service.

(8) Containers shall not be hoisted unless all engaged chassis twist locks are released.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish. (1)(a) Tanks in terminal areas used for receiving or storing ~~((brailwater))~~ bailwater for recirculating into vessel holds in discharging operations shall be opened or ventilated to minimize contamination of water circulated to the vessel. ~~((Brailwater))~~ Bailwater tanks shall be thoroughly drained upon completion of each day's operations and shall be left open to the air. Drainage is unnecessary when ~~((brailwater))~~ bailwater has been treated to remove hydrogen sulfide-producing contaminants and the efficiency of such treatment has been established.

(b) Before employees enter a dock tank, it shall first be drained, rinsed and tested for hydrogen sulfide and oxygen deficiency. Employees shall not enter the tank when the hydrogen sulfide level exceeds twenty ppm or oxygen con-

tent is less than nineteen and one-half percent, except in emergencies.

(c) Tests shall be conducted by designated personnel with suitable test equipment and respiratory protective equipment complying with the provisions of this chapter and chapter 296-62 WAC.

(2) Pipelines and hoses on the dock or terminal used for receiving and circulating used ~~((brailwater))~~ bailwater shall be completely drained upon completion of each day's operation and left open to the air.

(3) At least four units of respiratory protective equipment consisting of supplied-air respirators or self-contained breathing apparatus complying with the requirements of chapter 296-62 WAC shall be available in a suitably labeled cabinet for immediate use in case of an emergency caused by oxygen deficiency or hydrogen sulfide. Any employee entering a tank in an emergency shall, in addition to respiratory protective equipment, wear a lifeline and safety harness to facilitate rescue. At least two other employees, similarly equipped, shall be continuously stationed outside the tank to observe and to provide rescue services.

(4) The plant superintendent and foremen shall be trained and knowledgeable about the hazards of hydrogen sulfide and oxygen deficiency. They shall be trained in the use of appropriate respiratory and other protective equipment, and in rescue procedures. Other supervisory plant personnel shall be informed of these hazards and instructed in the necessary safety measures, including use of respiratory and rescue equipment.

(5) Supervisory personnel shall be on hand at dockside to supervise discharging of ~~((brailwater))~~ bailwater from vessels.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-56-60109 Eye protection. (1)(a) When employees perform work hazardous to the eyes, the employer shall provide eye protection equipment marked or labeled as meeting the manufacturing specifications of American National Standards Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-~~((1968))~~ 1989, and shall direct that it be used.

(b) For employees wearing corrective spectacles, eye protection equipment required by (a) of this subsection shall be of a type which can be worn over spectacles. Prescription ground safety lenses may be substituted if they provide equivalent protection.

(c) For additional requirements covering eye protection against radiant energy, see WAC 296-56-60235(8).

(2) Eye protection equipment shall be maintained in good condition.

(3) Used eye protection equipment shall be cleaned and disinfected before reissuance to another employee.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60111 Head protection. (1) Employees exposed to impact, falling or flying objects, or electric shocks or burns shall wear protective hats.

(2) Protective hats shall bear identifying marks or labels indicating compliance with the manufacturing provisions of American National Standard Safety Requirements for Industrial Head Protection, ANSI Z89.1-~~((1969))~~ 1986.

(3) Protective hats previously worn shall be cleaned and disinfected before issuance by the employer to another employee.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60115 Other protective measures. (1) Protective clothing.

(a) Employees performing work that requires special protective clothing shall be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn shall be cleaned and disinfected before reissuance.

(2) Personal flotation devices.

(a) The employer shall provide, and shall direct the wearing of personal flotation devices for those employees, such as line handlers, who are engaged in work in which they may ~~((fall))~~ be pulled into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(iii) Where the work area is obstructed by cargo or other obstacles so as to prevent employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) The water depth is known to be less than chest deep on the exposed individual;

(B) Working behind standard height and strength guard-rails;

(C) Working inside operating cabs or stations which eliminate the possibility of accidental falling into the water;

(D) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(iii) To meet the requirement of (b) of this subsection, a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard Table of Devices Equivalent to Personal Flotation Devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(c) Life rings.

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached shall be provided in the immediate vicinity of the work.

(iii) Work assigned over water where the vertical drop from an accidental fall exceeds fifty feet, is subject to specific procedures approved by the department.

(iv) Lines attached to life rings shall be at least ninety feet (27.43 m) in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size (76.2 cm).

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(3) Emergency facilities. When employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities, the employer shall provide such facilities and maintain them in good working order.

(4) Employers shall instruct employees to report every injury, regardless of severity, to the employer.

(5) ~~((Stretchers permanently equipped with bridles for hoisting shall be readily accessible. A blanket or other suitable covering shall be available.))~~ Stretchers.

(a) There shall be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear.

(b) Stretchers shall be kept close to vessels and shall be positioned to avoid damage to the stretcher.

(c) A blanket or other suitable covering shall be available.

(d) Stretchers shall have at least four sets of effective patient restraints in operable condition.

(e) Lifting bridles shall be of adequate strength, capable of lifting 1,000 pounds (454 kg) with a safety factor of five, and shall be maintained in operable condition. Lifting bridles shall be provided for making vertical patient lifts at container berths. Stretchers for vertical lifts shall have foot plates.

(f) Stretchers shall be maintained in operable condition. Struts and braces shall be inspected for damage. Wire mesh shall be secured and have no burrs. Damaged stretchers shall not be used until repaired.

(g) Stretchers in permanent locations shall be mounted to prevent damage and shall be protected from the elements if located out-of-doors. If concealed from view, closures shall be marked to indicate the location of the life saving equipment.

(6) Telephone or equivalent means of communication shall be readily available.

(7) Employees working on any bridge or structure leading to a detached vessel berthing installation shall wear United States Coast Guard approved personal flotation

devices except where protected by railings, nets, or safety belts and lifelines.

(8) Life ladders. On all docks there shall be substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located shall be painted with a bright color or of a color which contrasts with the surrounding area. There shall be a ladder at each end of the dock.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60123 Guarding of edges. (1) Vehicle protection.

(a) Vehicle curbs, bull rails, or other effective barriers at least six inches (15.24 cm) in height and six inches in width, shall be provided at the waterside edges of aprons and bulkheads, except where vehicles are prohibited. Curbs or bull rails installed after January 1, 1985, shall be at least ten inches (22.9 cm) in height.

(b) The provisions of (a) of this subsection also apply at the edge of any fixed level above the common floor area from which vehicles may fall, except at loading docks, platforms and skids where cargo is moved by vehicles.

(2) Employee protection.

(a) Guardrails shall be provided at locations where employees are exposed to falls of more than four feet from floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings, vessel mooring or berthing installations.

(b) Guardrails are not required:

(i) At loading platforms and docks;

(ii) At waterside edges used for cargo or mooring line handling;

(iii) On the working sides of work platforms, skids, or similar workplaces which abut the work area; or

(iv) On railroad rolling stock, highway vehicles, intermodal containers, or similar equipment.

(c) Where guardrails are impractical due to machinery requirements or work processes, an alternate means of fall protection, such as nets, shall be used.

(3) Criteria for guardrails. Guardrails shall meet the following criteria:

(a) They shall be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction at mid-span of the top rail (when used), or at the uppermost point if there is no guard rail.

(b) If not of solid baluster, grillwork, slatted, or similar construction, guardrails shall consist of top rails and midrails. Midrails, when used, shall be positioned at approximately half the height of the top rail.

(c) The top surface of guardrails installed before October 3, 1983, shall be at least thirty-six inches (.91 m) high. Those installed after October 3, 1983, shall be forty-two inches (1.07 m) high, plus or minus two inches (5.1 cm), high.

(d) Any nonrigid railing such as chain or wire rope shall have a maximum sag, at the mid-point between posts, of not more than six inches (~~((15-2))~~ 15.24 cm).

(e) Top rails shall be free of sharp edges and maintained in good repair.

(f) Rail ends shall not overhang. This does not prohibit scrollwork, boxed ends or similar nonhazardous projections.

(4) Toeboards. Toeboards shall be provided when employees below could be exposed to falling objects such as tools. Toeboards shall be at least three and one-half inches (8.9 cm) in height from top edge to floor level, and be capable of withstanding a force of fifty pounds (~~((220))~~ 222 N) applied in any direction. Drainage clearance not in excess of one-eighth inch under toeboards is permitted.

(5) Stair railings. Stair railings shall be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction, and shall not be more than thirty-six inches (~~((0-9))~~ 0.91 m) nor less than thirty-two inches (~~((0-8))~~ 0.81 m) in height from the upper top rail surface to the tread surface in line with the leading edge of the tread. Railings and midrails shall be provided at any stairway having four or more risers, as follows:

(a) For stairways less than forty-four inches (1.12 m) wide, at least one railing; and

(b) For stairways more than forty-four inches (1.12 m) but less than eighty-eight inches (2.24 m) wide, a stair rail or handrail on each side, and if eighty-eight or more inches wide, an additional intermediate handrail.

(6) Condition. Railings shall be maintained free of sharp edges and in good repair.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60133 Manlifts. (1) Inspection. Manlifts shall be inspected monthly by a designated person. Safety switches shall be checked weekly. Manlifts found to be unsafe shall not be operated until repaired. Inspections shall include at least the following:

- (a) Step fastenings;
- (b) Rails;
- (c) Rail supports and fastenings;
- (d) Roller and slides;
- (e) Belt and belt tension;
- (f) Handholds and fastenings;
- (g) Floor landings;
- (h) Guardrails;
- (i) Lubrication;
- (j) Safety switches;
- (k) Warning signs and lights;
- (l) Illumination;
- (m) Drive pulley;
- (n) Bottom (boot) pulley and clearance;
- (o) Pulley supports;
- (p) Motor;
- (q) Drive mechanism;
- (r) Brake;
- (s) Electrical switches;
- (t) Vibration and misalignment;

(u) "Skip" on up or down run when mounting the step (indicating worn gears); and

(v) Emergency exit ladders.

(2) Inspection records. Inspection records shall be kept for at least one year. The record of the most recent inspection shall be posted in the vicinity of the manlift or in the terminal.

(3) Emergency stop. An emergency stop device shall be available within easy reach from any position on the belt.

(4) Instructions. Manlift use instructions shall be conspicuously posted.

(5) Top floor warning sign and light. An illuminated sign and red light that are visible to the user shall be provided under the top floor opening of the manlift to warn the user to get off at that floor.

(6) Bottom floor warning sign. A sign visible to descending passengers shall be provided to warn them to get off at the bottom floor.

(7) Upper limit stop. An automatic stop device shall be provided to stop the manlift when a loaded step passes the top landing, except that manlifts installed after October 3, 1983, shall have two such devices.

(8) Handholds and steps. Each step shall be provided with a corresponding handhold.

(9) Emergency ladder. A fixed emergency ladder accessible from any position on the lift and meeting the requirements of WAC 296-56-60209 shall be provided for the entire run of the manlift.

(10) Landings.

(a) Clear and unobstructed landing spaces shall be provided at each level. Manlifts constructed after October 3, 1983, that have a distance of fifty feet (15.24 m) or more between floor landings shall have an emergency landing every twenty-five feet (7.62 m) or less of manlift travel.

(b) Open sides of emergency landings shall be protected by guardrails.

(c) Floor landing entrances and exits shall be guarded by mazes, self-closing gates, or equivalent protection.

(d) Landings shall be of sufficient size and strength to support two hundred fifty pounds (~~((1120))~~ 1112 N).

(11) Floor opening guards. The ascending sides of manlift floor openings shall be provided with cones or bevel guards to direct the user through the openings.

(12) Maintenance. Manlifts shall be equipped, maintained, and used in accordance with the manufacturer's specifications, which shall be available at the terminal.

(13) Bottom pulley.

(a) The lower pulley shall be supported by the lowest landing.

(b) Sides of the bottom pulley support shall be guarded to prevent contact with the pulley or the steps.

(14) Top clearance. A clearance of at least eleven feet (~~((3-3))~~ 3.35 m) shall be provided between the top landing and the ceiling.

(15) Brakes. Manlifts shall be equipped with brakes that are:

(a) Self-engaging;

(b) Electrically released; and

(c) Capable of stopping and holding the manlift when the descending side is loaded with the maximum rated load.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-56-60209 Fixed ladders. (1) Scope. This section applies to all fixed ladders except:

(a) Ladders forming an integral part of railway cars, highway carriers, cargo containers, or other transportation carrier equipment;

(b) Climbing devices such as step bolts or structural members of tanks and towers;

(c) Ladders built into or vertically attached to tubular scaffold framing; and

(d) Ladders used only for fire fighting or emergency purposes are exempt from the provisions of subsection (5) of this section. All other requirements of this section apply.

(2) Definitions.

(a) "Cage" (basket guard) means a barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.

(b) "Fixed ladder" means a ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.

(c) "Ladder safety device" means a support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.

(d) "Well" means a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.

(3) Defects.

(a) Ladders with broken, split, or missing rungs, steps or rails, broken welds or connections, corrosion or wastage, or other defect which may affect safe use shall be removed from service.

(b) Ladder repairs shall provide strength at least equivalent to that of the original ladder.

(4) Ladder specifications.

(a)(i) Ladders installed before October 3, 1983, shall be capable of withstanding without damage a minimum concentrated load, applied uniformly over a three and one-half inch (~~((8-8))~~ 8.9 cm) width at the rung center, of two hundred pounds (890 N).

(ii) Ladders installed after October 3, 1983, shall be capable of withstanding two hundred fifty pounds (~~((1120))~~ 1112 N) applied as described in (a)(i) of this subsection. If used by more than one employee simultaneously, the ladder as a unit shall be capable of simultaneous additional loading in two hundred fifty pound (~~((1120))~~ 1112 N) increments for each additional employee, applied to a corresponding number of rungs. The unit shall have a safety factor of four based on ultimate strength, in the designed service.

(b)(i) Ladders installed before October 3, 1983, shall have rungs evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm) apart, center to center.

(ii) Ladders installed after October 3, 1983, shall have rungs evenly spaced twelve inches apart, plus or minus two inches (~~((30))~~ 30.5 cm, plus or minus (~~((5))~~ 5.08 cm), center to center.

(c)(i) Ladders installed before October 3, 1983, shall have a width between side rails of at least ten inches (25.4 cm).

(ii) Ladders installed after October 3, 1983, shall have a width between side rails of at least twelve inches (30.48 cm).

(d) The minimum distance between the rung center line and the nearest permanent object behind the rung shall be four inches (~~((10.2))~~ 10.16 cm), except that in ladders installed after October 3, 1983, the minimum distance shall be seven inches (~~((17.8))~~ 17.78 cm) unless physical limitations make a lesser distance, not less than four and one-half inches (~~((11.5))~~ 11.43 cm), necessary.

(e) When a ladder passes through an opening or past overhead obstructions, a minimum twenty-four inch (.61 m) clearance shall exist between the climbing side and any obstruction. Where this distance is less than thirty inches (0.76 m), a deflection device shall be installed for guidance through the opening.

(f) The side rails of ladders shall extend at least thirty-six inches (0.91 m) above the top landing surface, unless grab bars or equivalent holds are provided.

(g) Ladders whose pitch exceeds ninety degrees to the horizontal (slanting backward on the climbing side) shall not be used.

(5) Protection against falls.

(a) Fixed ladders more than twenty feet (6.1 m) in height shall be provided with a cage, well, or ladder safety device.

(b) When a well or cage is used, ladders with length of climb exceeding thirty feet (9.14 m) shall comply with the following provisions:

(i) The ladder shall consist of multiple sections not exceeding thirty feet (9.14 m) each;

(ii) Each section shall be horizontally offset from adjacent sections, except as specified in (b)(iv) of this subsection; and

(iii) A landing platform capable of supporting a load of one hundred pounds per square foot (4.79 kPa) and fitted with guardrails complying with WAC 296-56-60123(3) shall be provided at least every thirty feet (9.14 m), except as specified in (b)(iv) of this subsection;

(iv) For ladders installed after October 3, 1983, offset sections and landing platforms are not required if hinged platforms capable of supporting one hundred pounds per square foot (4.79 kPa), and which are kept closed except when opened for passage, are within the cage or well at intervals not exceeding thirty feet (9.14 m).

(c) Ladders equipped with ladder safety devices shall have rest platforms:

(i) Capable of supporting a load of one hundred pounds per square foot (4.79 kPa);

(ii) Located at intervals of one hundred fifty feet (~~((46))~~ 45.7 m) or less; and

(iii) Protected by guardrails complying with WAC 296-56-60123(3) on three sides.

(d) Where used, ladder safety devices shall:

(i) Be installed and maintained in accordance with the manufacturer's instructions, which shall be available for inspection upon request;

(ii) Be repaired only with replacement parts having performance capability at least equal to that of the original parts;

(iii) Have a connection length between carrier centerlines and safety belts of 10 ± 2 inches (25.4 ± 5.08 cm); and
 (iv) Be installed in a manner that does not reduce the ladder's structural capacity.

(e) Ladder cages or wells shall:

(i) Be of rigid construction that allows unobstructed use but prevents an employee from falling through or dislodging the cage or well by falling against it;
 (ii) Have smooth inner surfaces;
 (iii) Extend at least thirty-six inches (~~((0.9))~~ 0.91 m) above landings; and
 (iv) Extend to within eight feet (~~((2.4))~~ 2.44 m) above the ground or base, except that a maximum of twenty feet (6.1 m) is permitted where the cage or well would extend into traffic lanes.

(f) Ladders installed after January 1, 1985, on radio, microwave communications, electrical power and similar towers, poles and structures, including stacks and chimneys, shall meet the requirements of this subsection.

(6) Individual rung ladders. Ladders consisting of individual rungs that are attached to walls, conical manhole sections or river cells shall:

(a) Be capable of supporting a load of three hundred fifty pounds (1557 N) without deformation;
 (b) Form a continuous ladder, uniformly spaced vertically from twelve inches to sixteen inches (30.5 to ~~((41))~~ 40.6 cm) apart, with a minimum width of ten inches (25.4 cm), and projecting at least four and one-half inches (11.43 cm) from the wall;
 (c) Be so constructed that an employee's foot cannot slide off the ends; and
 (d) Be firmly attached and without sharp edges.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60211 Portable ladders. (1) Scope and applicability. This section applies to all portable ladders, including job-made ladders for temporary use, unless otherwise specified.

(2) Standards for existing manufactured portable ladders.

(a) Rungs of manufactured portable ladders obtained before October 3, 1983, shall be capable of supporting a two hundred pound (890 N) load without deformation.

(b) Rungs shall be evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm), center to center.

(c) Rungs shall be continuous members between rails. Each rung of a double-rung ladder (two side rails and a center rail) shall extend the full width of the ladder.

(d) Width between side rails at the base of the ladder shall be at least twelve inches (~~((30))~~ 30.48 cm) for ladders ten feet (3.05 m) or less in overall length, and shall increase at least one-fourth inch (~~((0.6))~~ 0.64 cm) for each additional two feet (0.61 m) of ladder length.

(3) Standards for manufactured portable ladders. Manufactured portable ladders obtained after October 3, 1983, shall bear identification indicating that they meet the appropriate ladder construction requirements of the following standards:

ANSI A14.1-1990 Safety Requirements for Portable Wood Ladders

ANSI A14.2-1990 Safety Requirements for Portable Metal Ladders

ANSI A14.5-1992 Safety Requirements for Portable Reinforced Plastic Ladders

(4) Standards for job-made portable ladders. Job-made ladders shall:

(a) Have a minimum and uniform distance between rungs of twelve inches (~~((30))~~ 30.48 cm), center to center;

(b) Be capable of supporting a two hundred fifty pound (1112 N) load without deformation; and

(c) Have a minimum width between side rails of twelve inches (~~((30))~~ 30.48 cm) for ladders ten feet (3.05 m) in height. Width between rails shall increase at least one-fourth inch (~~((0.6))~~ 0.64 cm) for each additional two feet (0.61 m) of ladder length.

(5) Maintenance and inspection.

(a) The employer shall maintain portable ladders in safe condition. Ladders with the following defects shall not be used and either shall be tagged as unusable if kept on the premises or shall be removed from the worksite:

(i) Broken, split or missing rungs, cleats, or steps;

(ii) Broken or split side rails;

(iii) Missing or loose bolts, rivets, or fastenings;

(iv) Defective ropes; or

(v) Any other structural defect.

(b) Ladders shall be inspected for defects prior to each day's use, and after any occurrence, such as a fall, which could damage the ladder.

(6) Ladder usage.

(a) Ladders made by fastening rungs or devices across a single rail are prohibited.

(b) Ladders shall not be used:

(i) As guys, braces, or skids; or

(ii) As platforms, runways, or scaffolds.

(c) Metal and wire-reinforced ladders with wooden side rails shall not be used when employees on the ladder might come into contact with energized electrical conductors.

(d) Individual sections from different multisectional ladders or two or more single straight ladders shall not be tied or fastened together to achieve additional length.

(e) Except for combination ladders, self-supporting ladders shall not be used as single straight ladders.

(f) Unless intended for cantilever operation, nonself-supporting ladders shall not be used to climb above the top support point.

(g) Ladders shall extend at least thirty-six inches (0.91 m) above the upper support level if employees are to leave or mount the ladder at that level, except that where such extension is impractical other equivalent means such as grab bars may be used to provide a hand grip.

(h) Ladders shall be securely positioned on a level and firm base.

(i) Ladders shall be fitted with slip-resistant bases and secured at top or bottom to prevent the ladder from slipping.

(j) Ladders shall be placed so that employees climbing are not exposed to injury from projecting objects or doors that open toward the ladder.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-56-60215 Fixed stairways. (1) Definition. "Fixed stairway" means interior or exterior stairs serving machinery, tanks, or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.

(2) New installations.

(a) Fixed stairs installed after October 3, 1983, shall be positioned within the range of thirty degrees to fifty degrees to the horizontal with uniform riser height and tread width throughout each run and be capable of a minimum loading of one hundred pounds per square foot (~~((448))~~ 445 N) and a minimum concentrated load of three hundred pounds (~~((1344))~~ 1334 N) at the center of any treadspan. Riser height shall be from six to seven and one-half inches (~~((15.2))~~ 15.24 to ~~((19.0))~~ 19.05 cm), stair width a minimum of twenty-two inches (~~((56))~~ 55.88 cm) between vertical barriers, and tread depth a minimum of 12 ± 2 inches (30.48 ± 5.08 cm), and tread nosing shall be straight leading edges.

(b) Stair landings shall be at least twenty inches (~~((51))~~ 50.8 cm) in depth. Where doors or gates open on a stairway, a landing platform shall be provided. Door swing shall not reduce the effective standing area on the landing to less than eighteen inches (~~((45.7))~~ 45.72 cm) in depth.

(c) Fixed stairs having four or more risers shall have stair railings or handrails complying with WAC 296-56-60123(3).

(d) The railing height from tread surface at the riser face shall be 33 plus or minus 3 inches (~~((83))~~ 83.82 cm plus or minus ~~((7.6))~~ 7.62 cm).

(e) Restricted areas. When physical features require stairs steeper than those provided for by (a) of this subsection, stairs at angles of fifty degrees to seventy-five degrees from the horizontal may be used if they:

(i) Are capable of supporting a single concentrated load of two hundred pounds (890 N) at the tread centers;

(ii) Have open treads at least four inches (~~((10.2))~~ 10.16 cm) in depth and eighteen inches (~~((45.7))~~ 45.72 cm) in width with a uniformly spaced vertical rise between treads of six to nine and one-half inches (~~((15.2))~~ 15.24 to ~~((24.1))~~ 24.13 cm); and

(iii) Have handrails that meet the requirements of WAC 296-56-60123(3) on both sides that are not less than thirty inches (76.2 cm) in height from the tread surface at the riser face.

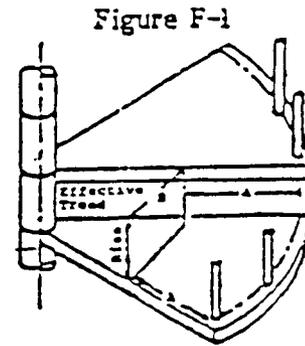
(f) Maintenance. Fixed stairways shall be maintained in safe condition and shall not be obstructed.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60217 Spiral stairways. (1) Definition. "Spiral stairway" means one with closed circular form, uniform sector-shaped treads and a supporting column.

(2) Requirements. Spiral stairways shall meet the following requirements:

(a) Stairways shall conform to the minimum dimensions of Figure F-1;



Spiral Stairway—Minimum Dimensions

	A (Half-tread width)	B
Normal use by employees	11 inches (27.9 cm)	6 inches (15.2 cm)
Limited access	9 inches (22.9 cm)	5 inches (12.7 cm)

(b) Stairway risers shall be uniform and shall range from six and one-half to ten and one-half inches (16.5 to ~~((26.7))~~ 26.67 cm) in height;

(c) Minimum loading capability shall be one hundred pounds per square foot (445 N), and minimum tread center concentrated loading shall be three hundred pounds (1334 N);

(d) Railing shall conform to the requirements of WAC 296-56-60123(3). If balusters are used, there shall be a minimum of one per tread. Handrails shall be a minimum of one and one-fourth inches (~~((3.3))~~ 3.18 cm) in outside diameter; and

(e) Vertical clearance shall be at least six feet, six inches (1.98 m) above the top step.

(3) Maintenance. Spiral stairways shall be maintained in safe condition.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60219 Employee exits. (1) Employee exits shall be clearly marked.

(2) If an employee exit is not visible from employees' work stations, directional signs indicating routes to the exit shall be posted.

(3) Exits shall be readily accessible and sufficient in number to provide employees with a convenient means of escape in emergencies. A clear passage to the exit shall be maintained.

(4) The minimum width of any employee exit shall be twenty-eight inches (~~((71.1))~~ 71.12 cm).

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(5) All fire exits and aiseways of all docks and warehouses shall be clearly marked and kept clear. All main aiseways shall be wide enough to permit passage of a fire truck.

(6) There shall be a twenty-eight inch clearance maintained where employees use a passageway to an exit.

(7) Every building, structure or crane, new or old, shall be provided with an emergency means of egress to permit the prompt escape of occupants in case of fire or other emergency, at all locations with a vertical height of thirty feet or more. Cranes, buildings, or structures erected prior to January 1, 1985, shall comply with the provisions of this standard by July 1, 1986.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-56-60223 Passage between levels and across openings. (1) General. The employer shall provide safe means of passage between different surface levels and across openings.

(2) ~~((Definitions:~~

(a) ~~"Dockboards (car and bridge plates)" mean devices for spanning short distances between rail cars or highway vehicles and loading platforms which do not expose employees to falls greater than four feet (1.2 m).~~

(b) ~~"Ramps" means other flat surface devices for passage between levels and across openings not included in "dockboards."~~

~~((3)) Dockboards (car and bridge plates).~~

(a) Dockboards shall be strong enough to support the loads imposed on them.

(b) Portable dockboards shall be anchored in position or be equipped with devices to prevent their movement.

(c) Hand holds or other effective means shall be provided on portable dockboards to permit safe handling.

(d) Positive means shall be used to prevent railcars or highway vehicles from being moved while dockboards or bridge plates are in position.

~~((4)) (3) Ramps.~~

(a) Ramps shall be strong enough to support the loads imposed on them, provided with sideboards, properly secured and well maintained.

(b) Ramps shall be equipped with guardrails meeting the requirements of WAC 296-56-60123(3) if the slope is more than twenty degrees to the horizontal or if employees could fall more than four feet ~~((1.2)) 1.22~~ m).

(c) Ramps shall have slip-resistant surfaces.

(d) When necessary to prevent displacement by vehicle wheels, steel plates or similar devices, used to temporarily bridge or cover uneven surfaces or tracks, shall be anchored.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60233 Related terminal operations and equipment—Machine guarding. (1) Definition. "Guarded" means shielded, fenced, or enclosed by covers, casings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to

employees) and point of operation guarding (using barrier guards, two-hand tripping devices, electronic safety devices, or other such devices).

(2) General.

(a) Danger zones on machines and equipment used by employees shall be guarded.

(b) Where chips and dust produced by machine operation may result in a hazard to the operator, the machinery shall be equipped with an effective exhaust system at the point of origin, or other equally effective means shall be provided to protect the operator.

(c) Fixed machinery shall be secured to prevent shifting.

(d) A power cut-off device for machinery and equipment shall be provided at the operator's working position.

(e) Machines driven by belts and shafting shall be fitted with a belt-locking or equivalent protective device if the belt can be shifted.

(f) In operations where injury to the operator might result if motors were to restart after power failures, provisions shall be made to prevent machines from automatically restarting upon restoration of power.

(g) The power supply to machines shall be turned off, locked out, and tagged out during repair, adjustment, or servicing.

(h) Machines shall be maintained in a safe working condition.

(i) Only designated employees shall maintain or repair machinery and equipment.

(j) Machines with defects that affect the safety of operation shall not be used.

(3) Hand-fed circular rip saws and hand-fed circular crosscut table saws. Unless fixed or manually adjustable enclosures or guarding provides equivalent protection, hand-fed circular rip saws and hand-fed circular crosscut table saws shall be guarded as follows:

(a) They shall be equipped with hoods completely enclosing those portions of the saw above the table and the material being cut;

(b) They shall have spreaders to prevent material from squeezing the saw. Spreaders shall be in true alignment with the saw. Spreaders may be removed only during grooving, dadoing, or rabbeting operations, and shall be replaced at the completion of such operations; and

(c) They shall have nonkickback fingers or dogs to oppose the tendency of the saw to pick up material or throw material toward the operator.

(4) Swing cutoff saws.

(a) Swing cutoff saws shall have hoods completely enclosing the upper half of the saw, the arbor end and the point of operation at all saw positions to protect the operator from material thrown up by the saw. The hood shall automatically cover the lower portion of the blade so that when the saw returns to the back of the table the hood rises on top of the fence, and when the saw is moved forward the hood drops on top, remaining in contact with the table or the material.

(b) Swing cutoff saws shall have a device to return the saw automatically to the back of the table without rebound. The device shall not be dependent upon rope, cord or springs.

(c) Devices shall be provided to prevent saws from swinging beyond the front or back edges of the table.

(d) Inverted swing cutoff saws shall have hoods covering the part of the saw protruding above the table top or the material being cut. Hoods shall automatically adjust to the thickness of, and remain in contact with, material being cut.

(5) Radial saws. Unless fixed or manually adjustable enclosures or guards provide equivalent protection, radial saws shall be guarded as follows:

(a) The upper hood of radial saws shall enclose the upper portion of the blade up to and including the end of the saw arbor and shall protect the operator from being struck by debris. The sides of the lower exposed portion of the blade shall be guarded to the blade diameter by a device automatically adjusting to the thickness of the stock and remaining in contact with the stock. The lower guard may be removed only when the saw is used for bevel cuts;

(b) Radial saws used for ripping shall have nonkickback fingers or dogs on both sides to oppose the thrust or tendency of the saw to pick up material or throw material toward the operator;

(c) An adjustable stop shall be provided to prevent travel of radial saw blades beyond the table's edge;

(d) Radial saws shall be installed so that the cutting head returns to the starting position without rebound when released; and

(e) The employer shall direct that employees perform ripping and ploughing against the saw turning direction. Rotation direction and an indication of the end of the saw to be used shall be conspicuously marked on the hood.

(6) Band saws and band resaws.

(a) Saw blades and band saw wheels shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table, to protect employees from point-of-operation hazards and flying debris.

(b) Band saws shall be equipped with brakes to stop the band saw wheel if the blade breaks.

(c) Band saws shall be equipped with a tension control device to keep the blade taut.

(7) Abrasive wheels and machinery.

(a) Abrasive wheels shall be used only on machines having enclosure guards to restrain pieces of grinding wheels and to protect employees if the wheel breaks, except as provided in (b) and (c) of this subsection. Where the operator stands in front of the safety guard opening, the safety guard shall be adjustable or have an adjustable tongue or piece at the top of the opening. The safety guard or the tongue shall be adjusted so that it is always within one-fourth inch of the periphery of the wheel. Guards shall be aligned with the wheel and the strength of fastenings shall be greater than the strength of the guard.

(b) When the work provides equivalent protection, or when the machine is designed as a portable saw, guards may be constructed with the spindle end, nut and outer flange exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be removed.

(c) Guarding is not required:

(i) For wheels used for internal work while the wheel is contained within the work being ground; or

(ii) For mounted wheels two inches (5 cm) and smaller in diameter used in portable operations.

(d) Work rests shall be used on fixed grinding machines. Work rests shall be rigidly constructed and adjustable for wheel wear. They shall be adjusted closely to the wheel with a maximum opening of one-eighth inch (~~((3-2))~~ 3.18 mm) and shall be securely clamped. Adjustment shall not be made while the wheel is in motion.

(e) Grinding wheels shall fit freely on the spindle. The spindle nut shall be tightened only enough to hold the wheel in place.

(f) Grinding machine wheels shall turn at a speed that is compatible with the rated speed of the wheel.

(g) Flanges and blotters shall be used only with wheels designed for their use. Flanges shall be of a type ensuring retention of pieces of the wheel in case of breakage.

(h) Abrasive wheels with operational defects shall not be used.

(8) Rotating parts, drives and connections.

(a) Rotating parts, such as gears and pulleys, that are located seven feet (~~((2-1))~~ 2.13 m) or less above working surfaces shall be guarded to prevent employee contact with moving parts.

(b) Belt, rope and chain drives shall be guarded to prevent employees from coming into contact with moving parts.

(c) Gears, sprockets and chains shall be guarded to prevent employees coming into contact with moving parts. This requirement does not apply to manually operated sprockets.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-56-60235 Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere"). (1) Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.

(2) Hot work in confined spaces. Hot work shall not be performed in a confined space until all requirements of chapter 296-62 WAC, Part M, are met.

(3) Fire protection.

(a) To the extent possible, hot work shall be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions shall be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location shall be immediately available and shall be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer shall instruct all employees involved in hot work operations as to potential fire hazards and the use of fire fighting equipment.

(e) Drums and containers which contain or have contained flammable or combustible liquids shall be kept closed. Empty containers shall be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions shall be taken to ensure that no employees or flammable or combustible materials are exposed to sparks dropping through the floor. Similar precautions shall be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)(i) Drums, containers or hollow structures that have contained flammable or combustible substances shall either be filled with water or cleaned, and shall then be ventilated. A designated person shall test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application shall be provided.

(4) Gas welding and cutting.

(a) Compressed gas cylinders:

(i) Shall have valve protection caps in place except when in use, hooked up or secured for movement. Oil shall not be used to lubricate caps;

(ii) Shall be hoisted only while secured, as on a cradle or pallet, and shall not be hoisted by magnet, choker sling or cylinder caps;

(iii) Shall be moved only by tilting or rolling on their bottom edges;

(iv) Shall be secured when moved by vehicle;

(v) Shall be secured while in use;

(vi) Shall have valves closed when cylinders are empty, being moved or stored;

(vii) Shall be secured upright except when hoisted or carried;

(viii) Shall not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) Shall not be thawed by boiling water;

(x) Shall not be exposed to sparks, hot slag, or flame;

(xi) Shall not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) Shall not be used as rollers or supports;

(xiii) Shall not have contents used for purposes not authorized by the supplier;

(xiv) Shall not be used if damaged or defective;

(xv) Shall not have gases mixed within, except by gas suppliers;

(xvi) Shall be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (~~((6))~~ 6.1 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) Shall not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) Use of fuel gas. Fuel gas shall be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves shall be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves shall not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves shall be opened slowly to prevent regulator damage and shall not be opened more than one and one-half turns. Any special wrench required for emergency closing shall be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench shall be immediately available. Nothing shall be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators shall be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves shall be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves shall be closed and the gland nut tightened. If the leak continues, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but shall be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose.

(i) Fuel gas and oxygen hoses shall be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses shall not be interchangeable. Hoses having more than one gas passage shall not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (~~((40.2))~~ 10.16 cm of each (~~((30.5))~~ 30.48 cm) shall be taped.

(iii) Hose shall be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage shall be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before re-use. Defective hose shall not be used.

(iv) Hose couplings shall not unlock or disconnect without rotary motion.

(v) Hose connections shall be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes shall be ventilated.

(d) Torches.

(i) Torch tip openings shall only be cleaned with devices designed for that purpose.

(ii) Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects shall not be used.

(iii) Torches shall not be lighted from matches, cigarette lighters, other flames or hot work.

(e) Pressure regulators. Pressure regulators, including associated gauges, shall be maintained in safe working order.

(f) Operational precaution. Gas welding equipment shall be maintained free of oil and grease.

(5) Arc welding and cutting.

(a) Manual electrode holders.

(i) The employer shall ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting shall be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder shall be insulated against the maximum voltage to ground.

(b) Welding cables and connectors.

(i) Arc welding and cutting cables shall be insulated, flexible and capable of handling the maximum current required by the operation, taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder shall be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed shall not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity shall be used for connecting or splicing cable. Cable lugs, where used as connectors, shall provide electrical contact. Exposed metal parts shall be insulated.

(c) Ground returns and machine grounding.

(i) Ground return cables shall have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit shall have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit shall cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits shall have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames shall be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits shall have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections shall be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes shall be removed and holders placed to prevent employee injury.

(e) Hot electrode holders shall not be dipped in water.

(f) The employer shall ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect shall not be used.

(h)(i) Arc welding and cutting operations shall be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, they shall wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines shall be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits shall be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees shall use additional protection, such as rubber pads or boots, against electric shock.

(6) Ventilation and employee protection in welding, cutting and heating.

(a) Mechanical ventilation requirements. The employer shall ensure that general mechanical ventilation or local exhaust systems shall meet the following requirements:

(i) General mechanical ventilation shall maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation shall consist of movable hoods positioned close to the work and shall be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces shall be discharged into the open air, clear of intake air sources;

(iv) Replacement air shall be clean and respirable; and

(v) Oxygen shall not be used for ventilation, cooling or cleaning clothing or work areas.

(b) Hot work in confined spaces. Except as specified in (c)(ii) and (iii) of this subsection, when hot work is performed in a confined space the employer shall, in addition to the requirements of chapter 296-62 WAC, Part M, ensure that:

(i) General mechanical or local exhaust ventilations shall be provided; or

(ii) Employees in the space shall wear respirators in accordance with chapter 296-62 WAC, Part E.

(c) Welding, cutting or heating of toxic metals.

(i) In confined or enclosed spaces, hot work involving the following metals shall only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

(A) Lead base metals;

(B) Cadmium-bearing filler materials; and

(C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals shall only be performed with local exhaust ventilation meeting the requirements of this subsection.

tion or by employees wearing supplied air respirators in accordance with chapter 296-62 WAC, Part E;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals shall be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-62 WAC, Part E.

(iv) The employer shall ensure that employees performing hot work in the open air that involves any of the metals listed in (c)(i) and (ii) of this subsection shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC, Part E and those working on beryllium-containing base or filler metals shall be protected by supplied air respirators, in accordance with the requirements of chapter 296-62 WAC, Part E.

(v) Any employee exposed to the same atmosphere as the welder or burner shall be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) Inert-gas metal-arc welding. Employees shall not engage in and shall not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents shall not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with the requirements of subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection (8) of this section shall be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation shall have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields shall not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel shall not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators in accordance with the requirements of chapter 296-62 WAC, Part E.

(7) Welding, cutting and heating on preservative coatings.

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test shall be made by a designated person to determine the coating's flammability. Preservative coatings shall be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution shall be taken to prevent ignition of highly flammable hardened preservative coatings.

Highly flammable coatings shall be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, shall be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings shall be stripped for at least four inches (~~((10.2))~~ 10.16 cm) from the area of heat application or employees shall be protected by supplied air respirators in accordance with the requirements of chapter 296-62 WAC.

(8) Protection against radiant energy.

(a) Employees shall be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses shall have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1.—Filter Lenses for Protection Against Radiant Energy

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/8 inch	4 or 5
Medium gas welding, 1/8-1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes	10
Inert gas Metal-Arc Welding (non-ferrous) 1/16 to 5/32-inch electrodes	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes	12
5/16 and 3/8-inch electrodes	14

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-56-60237 Spray painting. (1) Scope. This section covers painting operations connected with maintenance of structures, equipment and gear at the marine terminal and of transient equipment serviced at the terminal. It does not apply to overall painting of terminal structures under construction, major repair or rebuilding of terminal structures, or portable spraying apparatus not used regularly in the same location.

(2) Definitions.

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(a) "Spraying area" means any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.

(b) "Spray booth" means an enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.

(c) "Approved" means, for the purpose of this section, that the equipment has been approved for the specified use by a nationally recognized testing laboratory.

(3) Spray painting requirements for indoor and outdoor spraying areas and booths.

(a) Shut-off valves, containers or piping with attached hoses or flexible connections shall have shut-off valves closed at the connection when not in use.

(b) Pumps used to transfer paint supplies shall have automatic pressure-relieving devices.

(c) Hoses and couplings shall be inspected before use. Hoses showing deterioration, leakage or weakness in the carcass or at the couplings shall be removed from service.

(d)(i) No open flame or spark-producing equipment shall be within twenty feet ((6)) 6.1 m) of a spraying area unless it is separated from the spraying area by a fire-retardant partition.

(ii) Hot surfaces shall not be located in spraying areas.

(iii) Whenever combustible residues may accumulate on electrical installations, wiring shall be in rigid conduit or in boxes containing no taps, splices or connections.

(iv) Portable electric lights shall not be used during spraying operations. Lights used during cleaning or repairing operations shall be approved for the location in which they are used.

(e) When flammable or combustible liquids are being transferred between containers, both containers shall be bonded and grounded.

(f)(i) Spraying shall be performed only in designated spray booths or spraying areas.

(ii) Spraying areas shall be kept as free from combustible residue accumulations as practical.

(iii) Residue scrapings, debris, rags, and waste shall be removed from the spraying area as they accumulate.

(g) Spraying with organic peroxides and other dual-component coatings shall only be conducted in sprinkler-equipped spray booths.

(h) Only the quantity of flammable or combustible liquids required for the operation shall be allowed in the spraying area, and in no case shall the amount exceed a one-day supply.

(i) Smoking shall be prohibited and "No Smoking" signs shall be posted in spraying and paint storage areas.

(4) Additional requirements for spraying areas and spray booths.

(a) Distribution or baffle plates shall be of noncombustible material and shall be removable or accessible for cleaning. They shall not be located in exhaust ducts.

(b) Any discarded filter shall be removed from the work area or placed in water.

(c) Filters shall not be used when the material being sprayed is highly susceptible to spontaneous heating and ignition.

(d) Filters shall be noncombustible or of an approved type. The same filter shall not be used when spraying with different coating materials if the combination of materials may spontaneously ignite.

(e) Spraying areas shall be mechanically ventilated for removal of flammable and combustible vapor and mist.

(f) Mechanical ventilation shall be in operation during spraying operations and long enough thereafter to exhaust hazardous vapor concentrations.

(g) Rotating fan elements shall be nonsparking or the casing shall consist of or be lined with nonsparking material.

(h) Piping systems conveying flammable or combustible liquids to the spraying booth or area shall be made of metal and be both electrically bonded and grounded.

(i) Air exhausted from spray operations shall not contaminate makeup air or other ventilation intakes. Exhausted air shall not be recirculated unless it is first cleaned of any hazardous contaminants.

(j) Original closed containers, approved portable tanks, approved safety cans or a piping system shall be used to bring flammable or combustible liquids into spraying areas.

(k) If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line shall have a relief valve discharging either to a pump section or detached location, or the line shall be equipped with a device to stop the prime mover when discharge pressure exceeds the system's safe operating pressure.

(l) Wiring, motors and equipment in a spray booth shall be of approved explosion-proof type for Class I, Group D locations and conform with the requirements of chapter 296-24 WAC Part L for Class I, Division 1, Hazardous Locations. Wiring, motors and equipment within twenty feet ((6)) 6.1 m) of any interior spraying area and not separated by vapor-tight partitions shall not produce sparks during operation and shall conform to the requirements of chapter 296-24 WAC Part L for Class I, Division 2, Hazardous Locations.

(m) Outside electrical lights within ten feet ((3)) 3.05 m) of spraying areas and not separated from the areas by partitions shall be enclosed and protected from damage.

(5) Additional requirements for spray booths.

(a) Spray booths shall be substantially constructed of noncombustible material and have smooth interior surfaces. Spray booth floors shall be covered with noncombustible material. As an aid to cleaning, paper may be used to cover the floor during painting operations if it is removed after the painting is completed.

(b) Spray booths shall be separated from other operations by at least 3 feet (0.91 m) or by fire-retardant partitions or walls.

(c) A space of at least 3 feet (0.91 m) on all sides of the spray booth shall be maintained free of storage or combustible materials.

(d) Metal parts of spray booths, exhaust ducts, pipings, airless high-pressure spray guns and conductive objects being sprayed shall be grounded.

(e) Electric motors driving exhaust fans shall not be located inside booths or ducts.

(f) Belts shall not enter ducts or booths unless the belts are completely enclosed.

(g) Exhaust ducts shall be made of steel, shall have sufficient access doors to permit cleaning, and shall have a minimum clearance of 18 inches (0.46 m) from combustible materials. Any installed dampers shall be fully opened when the ventilating system is operating.

(h) Spray booths shall not be alternately used to spray different types of coating materials if the combination of the materials may spontaneously ignite unless deposits of the first material are removed from the booth and from exhaust ducts before spraying of the second material begins.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60243 Fuel handling and storage. (1) Liquid fuel. See WAC 296-24-475 through 296-24-47517.

(a) Only designated persons shall conduct fueling operations.

(b) In case of spillage, filler caps shall be replaced and spillage disposed of before engines are started.

(c) Engines shall be stopped and operators shall not be on the equipment during refueling operations.

(d) Smoking and open flames shall be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment shall be refueled only at designated locations.

(f) Liquid fuels not handled by pump shall be handled and transported only in portable containers designed for that purpose. Portable containers shall be metal, have tight closures with screw or spring covers and shall be equipped with spouts or other means to allow pouring without spilling. Leaking containers shall not be used.

(g) Flammable liquids shall only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle if:

(i) Dispensing hoses do not exceed fifty feet (~~((45.2))~~ 15.24 m) in length; and

(ii) Any powered dispensing nozzles are of the automatic-closing type.

(h) Liquid fuel dispensing devices shall be provided with an easily accessible and clearly identified shut-off device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, shall be mounted either on a concrete island or be otherwise protected against collision damage.

(2) Liquefied gas fuels.

(a) Fueling locations.

(i) Liquefied gas powered equipment shall be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers shall be charged outdoors.

(iii) Equipment shall not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged shall be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings shall be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers shall be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers shall be located to prevent damage to the container. If located within a compartment, that compartment shall be vented. Containers near the engine or exhaust system shall be shielded against direct heat radiation.

(v) Container installation shall provide the container with at least the vehicle's road clearance under maximum spring deflection, measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections shall be protected from contact damage. Permanent protection shall be provided for fittings on removable containers.

(vii) Defective containers shall be removed from service.

(c) Fueling operations. See WAC 296-24-47517.

(i) Fueling operations for liquefied gas fuels shall also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers shall be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See WAC 296-24-47517(6).

(i) Stored fuel containers shall be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers shall not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport shall be closed. Relief valves shall connect with vapor spaces.

(e) Vehicle storage and servicing.

(i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.

(ii) Liquefied gas fueled vehicles under repair shall have container shut-off valves closed unless engine operation is necessary for repairs.

(iii) Liquefied gas fueled vehicles shall not be parked near open flames, sources of ignition or unventilated open pits.

WSR 00-16-151
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 2, 2000, 11:34 a.m.]

Title of Rule: Chapter 296-62 WAC, General occupational health standards.

Purpose: Chapter 296-62 WAC, Part E, Respiratory protection rules, describe an employer's responsibilities for protecting employees from occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, vapors, or aerosols. On September 1, 1999, the newly revised standard became effective. Six months later, WISHA conducted a stakeholder usability survey to determine if the standard was written clearly. From responses to the survey and an internal review, several places were identified where the rule was not written clearly and could possibly lead to noncompliance. Therefore, WISHA will make some minor wording changes to clarify the language. There will be no changes in requirements so the "expedited" rule adoption will be used.

GENERAL INSTRUCTIONS: General occupational health standards, chapter 296-62 WAC, Part E, Respiratory protection:

WAC 296-62-07105 Definitions.

- Added descriptive words to improve clarity and better define "filtering facepiece."
- Added the definition of "dust mask" to improve clarity.
- Added descriptive words to better define "respirator" and improve clarity.
- No additional compliance requirements are being established.

WAC 296-62-07117 What must you do when employees choose to wear respirators when respirators are not required?

- Modified the wording to WAC 296-62-07117(3) to improve clarity and understanding that medical evaluations are not necessary when dust masks are voluntarily used.
- No additional compliance requirements are being established.

WAC 296-62-07131 What else must you consider when selecting a respirator for use in atmospheres that are not IDLH?

- Added guidance on how to use an assigned protection factor.
- Clarified that APF values in Table 1 only apply when contaminant-specific standards do not address selection.
- Added "sorbent cartridges or canisters" to "HEPA filters in Table 1, Powered Air-Purifying Respirators (PAPRs)" categories. The descriptive wording was inadvertently omitted from the category.
- No additional compliance requirements are being established.

WAC 296-62-07150 What are the general requirements for medical evaluations?

- Added wording and reformatted the subsection to clarify when medical evaluations are not required.
- No additional compliance requirements are being established.

WAC 296-62-07155 What must be included in the PLHCP's written recommendation?

- Changed the word "follow-up" to "periodic future" for clarity.
- No additional compliance requirements are being established.

WAC 296-62-07156 When are additional medical evaluations required?

- Changed the wording "additional medical" to "future medical" evaluations to improve clarity.
- Added "PLHCP recommends that an employee be reevaluated at a set interval" to clarify when future medical evaluations are provided.
- No additional compliance requirements are being established.

WAC 296-62-07162 How must fit testing be done?

- Added wording for clarity to better describe the use of negative pressure respirator in concentrations equal to or greater than ten times the PEL.
- No additional compliance requirements are being established.

WAC 296-62-07190 When must your employees be trained?

- Corrected a reference, WAC 296-62-07132 to 296-62-07172, for accuracy.
- No additional compliance requirements are being established.

WAC 296-62-07201 Appendix A-1: General fit testing requirements for respiratory protection—Mandatory.

- Added the word "Appendices" as a title in the index to delineate the "Recordkeeping" (WAC 296-62-07194) section from the "Appendix" (WAC 296-62-07201) section.
- No additional compliance requirements are being established.

WAC 296-62-07255 Appendix C: WISHA respirator medical evaluation questionnaire—Mandatory.

- Added the word "filtering facepiece" and removed the word "disposable" from Question 11 in Part A, Section 1, of the medical questionnaire to improve clarity.
- No additional compliance requirements are being established.

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

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 296-62 WAC, Part E, Respiratory protection, became effective on September 1, 1999. Six months later, WISHA conducted a stakeholder usability survey to determine if the standard was written clearly. From responses to the survey and an internal review, several places

were identified where the rule was not written clearly and could possibly lead to noncompliance. Therefore, WISHA will make some minor wording changes to clarify the language. There will be no changes in requirements so the "expedited" rule adoption will be used.

Proposal Changes the Following Existing Rules: Approximately six months after the promulgation of chapter 296-62 WAC, Part E, Respiratory protection, the department conducted a usability survey via a questionnaire to approximately 5,000 stakeholders. Based on the responses to the survey, changes are being proposed to clarify certain areas of the rule. Additionally, an internal review was also conducted and several other areas will also be updated for the sake of clarity. No additional requirements will be created.

NOTICE

THIS RULE IS BEING PROPOSED TO BE ADOPTED USING AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS RULE BEING ADOPTED USING THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Selwyn Walters, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, fax (360) 902-4202, AND RECEIVED BY October 2, 2000.

August 2, 2000

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07105 Definitions. The following definitions are important terms used in this part.

Aerosol means a suspension of liquid or solid particles in air.

Air-purifying respirator means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

Assigned protection factor (APF) is the expected level of workplace respiratory protection provided by a properly functioning respirator worn by properly fitted and trained individuals. It describes the ratio of the ambient concentration of an airborne substance to the concentration of the substance inside the respirator.

Atmosphere-supplying respirator means a respirator that supplies the respirator user with breathing air from an uncontaminated source, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

Canister or cartridge (air-purifying) means a container with a filter, sorbent, or catalyst, or any combination of these materials, which removes specific contaminants from the air drawn through it.

Canister (oxygen-generating) means a container filled with a chemical that generates oxygen by chemical reaction.

Demand respirator means an atmosphere-supplying respirator that admits breathing air to the facepiece only when suction is created inside the facepiece by inhalation.

Dust means a solid, mechanically-produced particle with sizes varying from submicroscopic to visible. See WAC 296-62-07001(1).

Dust mask means a type of filtering facepiece respirator. See the definition for "filtering facepiece."

Emergency situation means any occurrence that may or does result in an uncontrolled significant release of an airborne contaminant. Causes of emergency situations include, but are not limited to, equipment failure, rupture of containers, or failure of control equipment.

Employee exposure means exposure to a concentration of an airborne contaminant that would occur if the employee were not using respiratory protection.

End-of-service-life indicator (ESLI) means a system that warns the respirator user of the approach of the end of adequate respiratory protection: For example, that the sorbent is approaching saturation or is no longer effective.

Escape-only respirator means a respirator intended to be used only for emergency exit.

Filter or air-purifying element means a component used in respirators to remove solid or liquid aerosols from the air when it is breathed.

Filtering facepiece (dust mask) means a tight-fitting, half-face, negative pressure, particulate respirator (with a filter as an integral part of the) having a facepiece (or with the entire facepiece) entirely or completely composed of (the filtering medium) filter material without attached cartridges or canisters.

Fit factor means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio between the measured concentration of a substance in ambient air to its concentration inside the respirator when worn.

Fit test means the use of an accepted protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual (see also Qualitative fit test QLFT and Quantitative fit test QNFT).

Fog means a mist of sufficient concentration to perceptibly obscure vision.

Full facepiece means a respirator that covers the wearer's nose, mouth, and eyes.

Fume means a solid condensation particle of extremely small particle size, generally less than one micrometer in diameter. See WAC 296-62-07001(2).

Half facepiece means a respirator that covers the wearer's nose and mouth.

Helmet means the rigid portion of a respirator that also provides protection against impact or penetration.

High-efficiency particulate air filter (HEPA) means a filter that removes from air 99.97% or more of monodisperse dioctyl phthalate (DOP) particles having a mean particle diameter of 0.3 micrometer.

Hood means the portion of a respirator that completely covers the head and neck; may also cover portions of the shoulders and torso.

Immediately dangerous to life or health (IDLH) means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

Loose-fitting facepiece means a respiratory inlet covering that is designed to form a partial seal with the face.

Mist means a liquid condensation particle with sizes ranging from submicroscopic to visible. See WAC 296-62-07001(4).

Negative pressure respirator means a tight-fitting respirator in which the air pressure inside the facepiece is lower than the ambient air pressure outside the respirator during inhalation.

Nonroutine respirator use means wearing a respirator when carrying out a special task that occurs infrequently.

Odor threshold limit means the lowest concentration of a contaminant in air that can be detected by smell.

Oxygen deficient atmosphere means an atmosphere with an oxygen content below 19.5% by volume.

Particulate means a solid or liquid aerosol such as: Dust, fog, fume, mist, smoke, or spray.

Permissible exposure limit (PEL) means the legally established time-weighted average (TWA) concentration or ceiling concentration of a contaminant that must not be exceeded.

Physician or other licensed health care professional (PLHCP) means an individual whose legally permitted scope of practice (for example, license, registration, or certification) allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required in WAC 296-62-07150 through 296-62-07156.

Positive-pressure respirator means a respirator in which the air pressure inside the respiratory-inlet covering exceeds the ambient air pressure outside the respirator.

Powered air-purifying respirator (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

Pressure demand respirator means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation or leakage.

Qualitative fit test (QLFT) means a pass/fail fit test that relies on the individual's response to the test agent to assess the adequacy of respirator fit for an individual.

Quantitative fit test (QNFT) means an assessment of the adequacy of respirator fit for an individual by numerically measuring the amount of leakage into the respirator.

Respirable means air that is suitable for breathing.

Respirator means a device, which may or may not be certified by NIOSH, designed to protect the wearer from breathing harmful atmospheres.

Respiratory-inlet covering means that portion of a respirator that forms the protective barrier between the user's

respiratory tract and an air-purifying device or breathing air source, or both. It may be a facepiece, helmet, hood, suit, or mouthpiece respirator with nose clamp.

Self-contained breathing apparatus (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

Service life means the period of time that a respirator, filter or sorbent, or other respiratory equipment provides adequate protection to the wearer. For example, the period of time that an air-purifying device is effective for removing a harmful substance from air when it is breathed.

Smoke means a system that includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

Sorbent is the material contained in a cartridge or canister that removes gases and vapors from the inhaled air.

Spray means a liquid, mechanically-produced particle with sizes generally in the visible.

Supplied-air respirator (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is drawn from a separate, stationary system or an uncontaminated environment.

Tight-fitting facepiece means a respiratory inlet covering that forms a complete seal with the face.

Time-weighted average (TWA) means the average concentration of a contaminant in air during a specific time period.

User seal check means an action conducted by the respirator user to determine if the respirator is properly seated to the face.

Valve (air or oxygen) means a device that controls the pressure, direction, or rate of flow of air or oxygen.

Window indicator means a device on a cartridge or canister that visually denotes the service life of the cartridge or canister.

You means the employer or the employer's designee except in WAC 296-62-07117(2) "Important Information About Voluntary Use of Respirators" when you refers to the employee.

Your refers to the employer or the employer's designee except in WAC 296-62-07117(2) "Important Information About Voluntary Use of Respirators" when your refers to the employee.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07117 What must you do when employees choose to wear respirators when respirators are not required? (1) You may provide respirators at the request of employees or permit employees to use their own respirators, if you determine that such respirator use will not in itself create a hazard.

(2) If you determine that any voluntary respirator use is permissible, you must provide the respirator users with the following information:

Figure 1 Important Information About Voluntary Use of Respirators

Note: "You" and "your" mean the employee in the following information.

Respirators protect against airborne contaminants when properly selected and worn. Respirator use is encouraged, even when exposure to contaminants are below the exposure limit(s), to provide an additional level of comfort and protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to you. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous contaminants (chemical & biological) does not exceed the limits set by WISHA standards. If your employer provides respirators for your voluntary use, or if you are allowed to provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and follow all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against solvent vapor or smoke (since smoke particles are much smaller than dust particles).
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.

(3) ~~((In addition))~~ No respiratory protection program is required when filtering-facepiece respirators are the only respirator used and they are used voluntarily. When any other type of respirator is used voluntarily, you must establish, implement, and pay for ((those elements of)) a written ((respiratory protection)) program ((necessary to make sure)) that covers:

- ~~((Any employee using a respirator voluntarily is medically able to use that respirator, and that))~~ Medical evaluations.
- ~~((The respirator is cleaned, stored,))~~ Cleaning, storage and ((maintained so that its use does not present a health hazard to the user)) maintenance related program elements.

~~((EXCEPTION: You are not required to include in a written respiratory protection program those employees whose only use of respirators involves the voluntary use of filtering facepieces (for example, dust masks.))~~

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07131 What else must you consider when selecting a respirator for use in atmospheres that are not IDLH? (1) You must provide a respirator that is adequate to protect the health of the employee and ensure compliance with all other WISHA statutory and regulatory

requirements for routine, nonroutine, and reasonably foreseeable emergency and rescue situations.

(2) You must use the assigned protection factors (APFs) in Table 1 when selecting respirators.

Note: The APF values listed in Table 1 do not apply when respirator selection is specified by other applicable standards (e.g., asbestos, lead standards in chapter 296-62 WAC).

Table 1—Assigned Protection Factors

Type of Respirator	Assigned Protection Factor ^a
Air-Purifying Respirators (APRs)	
Half-facepiece ^b for: <ul style="list-style-type: none"> • Particulate-filter • Vapor- or gas-removing • Combination particulate-filter and vapor- or gas-removing 	10
Full facepiece for: <ul style="list-style-type: none"> • Particulate-filter; • Vapor- or gas-removing; • Combination particulate-filter and vapor- or gas-removing 	100
Powered Air-Purifying Respirators (PAPRs)	
Powered air-purifying, loose fitting facepiece	25
Powered air-purifying, half facepiece	50
Powered air-purifying, full facepiece, equipped with HEPA filters or sorbent cartridges or canisters	1000
Powered air-purifying, hood or helmet equipped with HEPA filters or sorbent cartridges or canisters	1000
Supplied-Air (Airline) Respirators	
Supplied-air, demand, half facepiece	10
Supplied-air, continuous-flow, loose fitting facepiece	25
Supplied-air, continuous-flow or pressure-demand type, half facepiece	50
Supplied-air, demand, full facepiece	100
Supplied-air, continuous-flow or pressure-demand type, full facepiece	1000
Supplied-air, continuous-flow, helmet or hood	1000
Self-Contained Breathing Apparatus (SCBAs)	
Self-contained breathing apparatus, demand-type, half facepiece ^b	10
Self-contained breathing apparatus, demand-type, full facepiece	100
Self-contained breathing apparatus, pressure-demand type, full facepiece	10,000

Combination respirators. For combination respirators (such as, airline respirators with an air-purifying filter), the type and mode of operation having the lowest respirator protection factor must be applied to the combination respirator not listed.

^a An assigned protection factor (APF) is a numeric rating given to respirators, which tells how much protection the respirator can provide. Multiplying the WISHA permissible exposure limit (PEL) for a contaminant by the respirator APF gives the maximum concentration of the contaminant for which the respirator can be used. PEL values can be found in chapter 296-62 WAC, Part H.

^b If the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp must be permitted to use a protective goggle or to use a respirator equipped with a full facepiece. Mouthpiece and nose clamp respirators are approved by NIOSH only for escape from IDLH atmospheres.

(3) The respirator selected must be appropriate for the chemical state and physical form of the contaminant.

(4) For protection against gases and vapors, you must provide an atmosphere-supplying respirator or an air-purifying respirator, provided that:

- The respirator is equipped with an end-of-service-life indicator (ESLI) certified by NIOSH for the contaminant; or
- If there is no ESLI appropriate for the conditions in your workplace, you must implement a change schedule for canisters and cartridges that is based on objective information or data that will make sure that canisters and cartridges are

changed before the end of their service life. Your respirator program must describe:

- ◆ The information and data relied upon; and
- ◆ The basis for the canister and cartridge change schedule; and
- ◆ The basis for reliance on the data.

(5) For protection against particulates, you must provide:

- An atmosphere-supplying respirator; or
- An air-purifying respirator equipped with a filter certified by NIOSH under 30 CFR Part 11 as a high efficiency particulate air (HEPA) filter, or an air-purifying respirator equipped with a filter certified for particulates by NIOSH under 42 CFR Part 84; or
- An air-purifying respirator equipped with any filter certified for particulates by NIOSH for contaminants consisting primarily of particles with mass median aerodynamic diameters (MMAD) of at least 2 micrometers; or
- For filters to be changed as required in WAC 296-62-07171(4).

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07150 What are the general requirements for medical evaluations? Before an employee is fit

EXPEDITED ADOPTION

tested or required to use a respirator in the workplace, you must provide a medical evaluation to determine the employee's ability to use a respirator. Medical evaluations are not required:

• When the only respirators used are filtering facepiece respirators that are used voluntarily under WAC 296-62-07117; or

• When the only respirators used are loose fitting escape-only respirators.

You may rely upon a previous employer's medical evaluation, if you can show that:

• You have been provided with a copy of the written recommendation as required in WAC 296-62-07155 from the PLHCP approving the employee to use the respirator chosen; and

• The previous working conditions, which required respirator use as detailed in WAC 296-62-07154(1), are substantially similar to yours.

~~((Exception: If an employee uses no other respirator than an escape only respirator, medical evaluations are not required. This exception does not apply to respirators with tight-fitting facepieces (such as, gas masks:))~~

Steps necessary for completing a medical evaluation:

- You identify a PLHCP (WAC 296-62-07151);
- You provide information to the PLHCP (WAC 296-62-07152);
- PLHCP reviews information and determines what additional questions, if any, to add to Part A of the questionnaire (WAC 296-62-07153(1));
- You administer the questionnaire confidentially (WAC 296-62-07153(2));
- PLHCP reviews and evaluates the questionnaire (WAC 296-62-07154);
- PLHCP completes any follow-up medical evaluations with employees (WAC 296-62-07154);
- PLHCP completes the written recommendation and sends it to the employee and you (WAC 296-62-07155 (1) and (2));
- You respond appropriately to written recommendations (WAC 296-62-07155) and maintain records (WAC 296-62-07194);
- You provide additional medical evaluations when required by your PLHCP (WAC 296-62-07156).

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07155 What must be included in the PLHCP's written recommendation? (1) In determining the employee's ability to use a respirator, you must obtain a written recommendation regarding the employee's ability to use the respirator from the PLHCP. The recommendation must provide only the following information about the employee:

• Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;

• The need, if any, for ~~((follow-up))~~ periodic future medical evaluations; and

• A statement that the PLHCP has provided the employee with a copy of the PLHCP's written recommendation.

(2) You must provide a PAPR, if:

• The respirator is a negative pressure respirator and the PLHCP finds a medical condition that may place the employee's health at increased risk if the respirator is used;

• The PLHCP's medical evaluation finds that the employee can use such a respirator. You no longer must provide a PAPR, if a subsequent medical evaluation finds that the employee is medically able to use a negative pressure.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07156 When are ~~((additional))~~ future medical evaluations required? At a minimum, you must provide ~~((additional))~~ future medical evaluations that comply with the requirements in WAC 296-62-07151 through 296-62-07155 if:

• A PLHCP recommends that an employee be reevaluated at a set interval:

• An employee reports medical signs or symptoms related to his or her ability to use a respirator;

• A ~~((PLHCP,))~~ supervisor, or the respirator program administrator informs you that an employee needs to be reevaluated;

• Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or

• A change occurs in workplace conditions (for example, physical work effort, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on an employee.

You may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07162 How must fit testing be done? (1) The fit test must be administered using WISHA-accepted quantitative or qualitative protocol. These protocols are contained in WAC 296-62-07201 through 296-62-07248 (Appendices A-1, A-2 and A-3 of this part).

(2) Qualitative fit testing may be used to fit test negative pressure air-purifying respirators only when they will be used in atmospheres where the concentration is less than 10 times the PEL. For negative pressure respirator use in ~~((higher))~~ concentrations equal to or greater than 10 times the PEL, quantitative fit testing must be used.

(3) If the fit factor, as determined through WISHA-accepted quantitative fit testing protocol, is equal to or greater than 100 for tight-fitting half facepieces, or equal to or greater than 500 for tight-fitting full facepieces, the employee passed the quantitative fit test for that respirator.

(4) Fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators must be accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of

the mode of operation (negative or positive pressure) that is used for respiratory protection.

(a) Qualitative fit testing of these respirators must be accomplished by temporarily converting the respirator user's actual facepiece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air-purifying respirator facepiece with the same sealing surfaces as a surrogate for the atmosphere-supplying or powered air-purifying respirator facepiece.

(b) Quantitative fit testing of these respirators must be accomplished by modifying the facepiece to allow sampling inside the facepiece in the breathing zone of the user, midway between the nose and mouth. This requirement must be accomplished by installing a permanent sampling probe onto a surrogate facepiece, or by using a sampling adapter designed to temporarily provide a means of sampling air from inside the facepiece.

(c) Any modifications to the respirator facepiece for fit testing must be completely removed, and the facepiece restored to NIOSH-approved configuration, before that facepiece can be used in the workplace.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07190 When must your employees be trained? (1) You must train employees before they are required to use a respirator in the workplace.

(2) If you are able to demonstrate that a new employee has received training within the last 12 months that addresses the elements specified in WAC ((296-62-07132)) 296-62-07172 and 296-62-07186, then you are not required to repeat the training provided that the employee can demonstrate knowledge of the element(s) required in WAC 296-62-07188.

(3) If you do not repeat initial training for an employee, then you must provide retraining no later than 12 months from the date of the employee's previous training.

(4) Retraining must be completed annually, and when the following situations occur:

- Changes in the workplace or the type of respirator render previous training obsolete or incomplete;
- The employee's knowledge or use of the respirator indicates that the employee has not retained the understanding or skill as required in WAC 296-62-07188 above; or
- Any other situation arises when retraining appears to be necessary to make sure respirators are used safely.

APPENDICES

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07255 Appendix C: WISHA respirator medical evaluation questionnaire—Mandatory. This is a mandatory appendix to chapter 296-62 WAC, Part E.

To the employer:

You must not review employee questionnaires.

To the employer's PLHCP:

Answers to questions in Section 1 and question 9 in Section 2 of Part A do not require further medical evaluations.

To the employee:

Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.

Part A. Section 1. Mandatory

The following information must be provided by every employee who has been selected to use any type of respirator (please print).

1. Today's date: _____
2. Your name: _____
3. Your age (to nearest year): _____
4. Sex (circle one): Male/Female
5. Your height: _____ ft. in.
6. Your weight: _____ lbs.
7. Your job title: _____
8. A phone number where you can be reached by the health care professional who reviews this questionnaire (include the Area Code): _____
9. The best time to phone you at this number: _____
10. Has your employer told you how to contact the health care professional who will review this questionnaire (circle one): Yes/No
11. Check the type of respirator you will use (you can check more than one category):
 - a. N, R, or P ((disposable)) filtering facepiece respirator (dust mask style, half facepiece respirators without cartridges).
 - b. Check all that apply.
 - Half mask Full facepiece Helmet hood Escape mask
 - Nonpowered cartridge or canister
 - Powered air-purifying cartridge respirator (PAPR)
 - Supplied-air or Air-line
 - ((Disposable filtering facepiece (for example N-95)))
 - Self contained breathing apparatus Demand or Pressure demand (SCBA):
- Other: _____
12. Have you worn a respirator (circle one): Yes/No
If "yes," what type(s): _____

Part A. Section 2. Mandatory

Questions 1 through 9 below must be answered by every employee who has been selected to use any type of respirator (please circle "yes" or "no").

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1. Do you *currently* smoke tobacco, or have you smoked tobacco in the last month: Yes/No
2. Have you *ever had* any of the following conditions?
 - a. Seizures (fits): Yes/No
 - b. Diabetes (sugar disease): Yes/No
 - c. Allergic reactions that interfere with your breathing: Yes/No
 - d. Claustrophobia (fear of closed-in places): Yes/No
 - e. Trouble smelling odors: Yes/No
3. Have you *ever had* any of the following pulmonary or lung problems?
 - a. Asbestosis: Yes/No
 - b. Asthma: Yes/No
 - c. Chronic bronchitis: Yes/No
 - d. Emphysema: Yes/No
 - e. Pneumonia: Yes/No
 - f. Tuberculosis: Yes/No
 - g. Silicosis: Yes/No
 - h. Pneumothorax (collapsed lung): Yes/No
 - i. Lung cancer: Yes/No
 - j. Broken ribs: Yes/No
 - k. Any chest injuries or surgeries: Yes/No
- l. Any other lung problem that you've been told about: Yes/No
4. Do you *currently* have any of the following symptoms of pulmonary or lung illness?
 - a. Shortness of breath: Yes/No
 - b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline: Yes/No
 - c. Shortness of breath when walking with other people at an ordinary pace on level ground: Yes/No
 - d. Have to stop for breath when walking at your own pace on level ground: Yes/No
 - e. Shortness of breath when washing or dressing yourself: Yes/No
 - f. Shortness of breath that interferes with your job: Yes/No
 - g. Coughing that produces phlegm (thick sputum): Yes/No
 - h. Coughing that wakes you early in the morning: Yes/No
 - i. Coughing that occurs mostly when you are lying down: Yes/No
 - j. Coughing up blood in the last month: Yes/No
 - k. Wheezing: Yes/No
 - l. Wheezing that interferes with your job: Yes/No
 - m. Chest pain when you breathe deeply: Yes/No
 - n. Any other symptoms that you think may be related to lung problems: Yes/No
5. Have you *ever had* any of the following cardiovascular or heart problems?
 - a. Heart attack: Yes/No
 - b. Stroke: Yes/No
 - c. Angina: Yes/No
 - d. Heart failure: Yes/No
 - e. Swelling in your legs or feet (not caused by walking): Yes/No
 - f. Heart arrhythmia (heart beating irregularly): Yes/No
 - g. High blood pressure: Yes/No
 - h. Any other heart problem that you've been told about: Yes/No
6. Have you *ever had* any of the following cardiovascular or heart symptoms?
 - a. Frequent pain or tightness in your chest: Yes/No
 - b. Pain or tightness in your chest during physical activity: Yes/No
 - c. Pain or tightness in your chest that interferes with your job: Yes/No
 - d. In the past two years, have you noticed your heart skipping or missing a beat: Yes/No
 - e. Heartburn or indigestion that is not related to eating: Yes/No
 - f. Any other symptoms that you think may be related to heart or circulation problems: Yes/No
7. Do you *currently* take medication for any of the following problems?
 - a. Breathing or lung problems: Yes/No
 - b. Heart trouble: Yes/No
 - c. Blood pressure: Yes/No
 - d. Seizures (fits): Yes/No
8. If you've used a respirator, have you *ever had* any of the following problems? (If you've never used a respirator, check the following space and go to question 9:)
 - a. Eye irritation: Yes/No
 - b. Skin allergies or rashes: Yes/No
 - c. Anxiety: Yes/No
 - d. General weakness or fatigue: Yes/No
 - e. Any other problem that interferes with your use of a respirator: Yes/No
9. Would you like to talk to the health care professional who will review this questionnaire about your answers to this questionnaire: Yes/No

Part A. Section 3. Mandatory for SCBA or Full Facepiece Respirator Users

Questions 10 to 15 below must be answered by every employee who has been selected to use either a full-facepiece respirator or a self-contained breathing apparatus (SCBA). For employees who have been selected to use other types of respirators, answering these questions is voluntary.

10. Have you *ever lost* vision in either eye (temporarily or permanently): Yes/No
11. Do you *currently* have any of the following vision problems?
 - a. Wear contact lenses: Yes/No
 - b. Wear glasses: Yes/No
 - c. Color blind: Yes/No
 - d. Any other eye or vision problem: Yes/No
12. Have you *ever had* an injury to your ears, including a broken ear drum: Yes/No
13. Do you *currently* have any of the following hearing problems?
 - a. Difficulty hearing: Yes/No
 - b. Wear a hearing aid: Yes/No

- c. Any other hearing or ear problem: Yes/No
- 14. Have you *ever had* a back injury: Yes/No
- 15. Do you *currently* have any of the following musculoskeletal problems?
 - a. Weakness in any of your arms, hands, legs, or feet: Yes/No
 - b. Back pain: Yes/No
 - c. Difficulty fully moving your arms and legs: Yes/No
 - d. Pain or stiffness when you lean forward or backward at the waist: Yes/No
 - e. Difficulty fully moving your head up or down: Yes/No
 - f. Difficulty fully moving your head side to side: Yes/No
 - g. Difficulty bending at your knees: Yes/No
 - h. Difficulty squatting to the ground: Yes/No
 - i. Climbing a flight of stairs or a ladder carrying more than 25 lbs: Yes/No
 - j. Any other muscle or skeletal problem that interferes with using a respirator: Yes/No

Part B: PLHCP Discretionary Questions

If appropriate to specific job requirements or conditions, additional questions - including but not limited to the following - may be added at the discretion of the health care professional to clarify an employee's ability to use a respirator.

1. In your present job, are you working at high altitudes (over 5,000 feet) or in a place that has lower than normal amounts of oxygen: Yes/No

If "yes," do you have feelings of dizziness, shortness of breath, pounding in your chest, or other symptoms when you're working under these conditions: Yes/No

2. At work or at home, have you ever been exposed to hazardous solvents, hazardous airborne chemicals (for example, gases, fumes, or dust), or have you come into skin contact with hazardous chemicals: Yes/No

If "yes," name the chemicals if you know them: _____

3. Have you ever worked with any of the materials, or under any of the conditions, listed below:

- a. Asbestos: Yes/No
- b. Silica (for example, in sandblasting): Yes/No
- c. Tungsten/cobalt (for example, grinding or welding this material): Yes/No
- d. Beryllium: Yes/No
- e. Aluminum: Yes/No
- f. Coal (for example, mining): Yes/No
- g. Iron: Yes/No
- h. Tin: Yes/No
- i. Dusty environments: Yes/No
- j. Any other hazardous exposures: Yes/No

If "yes," describe these exposures: _____

4. List any second jobs or side businesses you have:

5. List your previous occupations: _____

6. List your current and previous hobbies: _____

7. Have you been in the military services? Yes/No

If "yes," were you exposed to biological or chemical agents (either in training or combat): Yes/No

8. Have you ever worked on a HAZMAT team? Yes/No

9. Other than medications for breathing and lung problems, heart trouble, blood pressure, and seizures mentioned earlier in this questionnaire, are you taking any other medications for any reason (including over-the-counter medications): Yes/No

If "yes," name the medications if you know them: _____

10. Will you be using any of the following items with your respirator(s)?

- a. HEPA Filters: Yes/No
- b. Canisters (for example, gas masks): Yes/No
- c. Cartridges: Yes/No

11. How often are you expected to use the respirator(s) (circle "yes" or "no" for all answers that apply to you)?

- a. Escape only (no rescue): Yes/No
- b. Emergency rescue only: Yes/No
- c. Less than 5 hours *per week*: Yes/No
- d. Less than 2 hours *per day*: Yes/No
- e. 2 to 4 hours per day: Yes/No
- f. Over 4 hours per day: Yes/No

12. During the period you are using the respirator(s), is your work effort:

a. *Light* (less than 200 kcal per hour): Yes/No

If "yes," how long does this period last during the average shift: _____hrs. _____mins.

Examples of a light work effort are *sitting* while writing, typing, drafting, or performing light assembly work; or *standing* while operating a drill press (1-3 lbs.) or controlling machines.

b. *Moderate* (200 to 350 kcal per hour): Yes/No

If "yes," how long does this period last during the average shift: _____hrs. _____mins.

Examples of moderate work effort are *sitting* while nailing or filing; *driving* a truck or bus in urban traffic; *standing* while drilling, nailing, performing assembly work, or transferring a moderate load (about 35 lbs.) at trunk level; *walking* on a

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level surface about 2 mph or down a 5-degree grade about 3 mph; or *pushing* a wheelbarrow with a heavy load (about 100 lbs.) on a level surface.

c. *Heavy* (above 350 kcal per hour): Yes/No

If "yes," how long does this period last during the average shift: _____ hrs. _____ mins.

Examples of heavy work are *lifting* a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; *shoveling*; *standing* while bricklaying or chipping castings; *walking* up an 8-degree grade about 2 mph; climbing stairs with a heavy load (about 50 lbs.).

13. Will you be wearing protective clothing and/or equipment (other than the respirator) when you're using your respirator: Yes/No

If "yes," describe this protective clothing and/or equipment:

14. Will you be working under hot conditions (temperature exceeding 77°F): Yes/No

15. Will you be working under humid conditions: Yes/No

16. Describe the work you'll be doing while you're using your respirator(s): _____

17. Describe any special or hazardous conditions you might encounter when you're using your respirator(s) (for example, confined spaces, life-threatening gases): _____

18. Provide the following information, if you know it, for each toxic substance that you'll be exposed to when you're using your respirator(s):

Name of the first toxic substance: _____
Estimated maximum exposure level per shift: _____
Duration of exposure per shift: _____

Name of the second toxic substance: _____
Estimated maximum exposure level per shift: _____
Duration of exposure per shift: _____

Name of the third toxic substance: _____
Estimated maximum exposure level per shift: _____
Duration of exposure per shift: _____

The name of any other toxic substances that you'll be exposed to while using your respirator: _____

19. Describe any special responsibilities you'll have while using your respirator(s) that may affect the safety and well-being of others (for example, rescue, security): _____

EXPEDITED ADOPTION



WSR 00-15-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

(Division of Child Support)

[Filed July 10, 2000, 4:26 p.m., effective October 1, 2000]

Date of Adoption: July 10, 2000.

Purpose: The Division of Child Support seeks to revise its procedures for preparing and serving a support establishment notice under RCW 74.20A.055 or 74.20A.056. After the Division of Child Support enacted changes to the WAC regarding procedures for preparing and serving support establishment notices so as to give the physical custodian of the child full party status, DCS staff requested that the procedures be revised. DCS commissioned a quality improvement team to look at the process and the QIT has come up with suggestions on how the preparation and service of the support establishment notice can be streamlined, revised and improved. DCS believes the new method will be more efficient and easier to understand, and will result in better customer service for both custodial and noncustodial parents.

Citation of Existing Rules Affected by this Order: WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order?, 388-14A-3102 When the parents have signed a paternity affidavit, which support establishment notice does the Division of Child Support serve on the noncustodial parent?, 388-14A-3105 How does the division of child support serve support establishment notices?, 388-14A-3110 When can a support establishment notice become a final order?, 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue, 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity, 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services, 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice?, 388-14A-3131 What happens if neither parent appears for the hearing?, 388-14A-3132 What happens if only one parent appears for the hearing?, 388-14A-3133 What happens when the noncustodial parent and the custodial parent both appear for the hearing?, 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices, 388-14A-3140 What can happen at a hearing on a support establishment notice?, 388-14A-3200 How does DCS determine my support obligation?, 388-14A-3205 How does DCS calculate my income?; amending WAC 388-11-011, 388-11-100, 388-11-120, 388-11-150, 388-11-305 and 388-11-310; and repealing WAC 388-11-285, 388-11-290, 388-11-295, 388-11-400, 388-11-415, 388-11-420, 388-11-425, 388-11-430, and 388-11-445.

Statutory Authority for Adoption: RCW 34.05.220(1), 74.08.090, 74.20A.055, 74.20A.056.

Adopted under notice filed as WSR 00-10-096 on May 2, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 15, Amended 6, Repealed 10.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 15, Amended 6, Repealed 10.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 15, Amended 6, Repealed 10.

Effective Date of Rule: October 1, 2000.

July 10, 2000

Edith M. Rice, Chief
Office of Legal Affairs

Chapter 388-14A WAC

DIVISION OF CHILD SUPPORT RULES

NEW SECTION

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent. A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the noncustodial parent's support obligation for the child(ren) named in the notice; or

(b) Specifically relieves the noncustodial parent of a support obligation for the child(ren) named in the notice.

(3) Depending on the legal relationship between the NCP and the child for whom support is being set, DCS serves one of the following support establishment notices:

(a) Notice and finding of financial responsibility (NFFR), see WAC 388-14A-3115. This notice is used when the NCP is either the mother or the legal father of the child. WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed a paternity affidavit.

(b) Notice and finding of parental responsibility (NFPR), see WAC 388-14A-3120. This notice is used when the NCP was not married to the mother but has filed an affidavit or acknowledgment of paternity. WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed a paternity affidavit.

(c) Notice and finding of medical responsibility (NFMR), see WAC 388-14A-3125. This notice is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

NEW SECTION

WAC 388-14A-3102 When the parents have signed a paternity affidavit, which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an affidavit of paternity, also called an acknowledgment of paternity. The legal effect of the affidavit or acknowledgment depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the affidavit was signed.

(2) For paternity affidavits filed before August 14, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFPR). See WAC 388-14A-3120.

(3) For paternity affidavits filed on or after August 14, 1997 with the center for health statistics in the state of Washington, it depends on how much time has elapsed since filing:

(a) If less than sixty days have passed since filing, DCS serves a NFPR under WAC 388-14A-3120, because the parents can rescind (withdraw) the affidavit within sixty days of filing and request genetic testing; or

(b) If sixty or more days has passed since filing, DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the affidavit has become a conclusive presumption of paternity under RCW 26.26.040.

(4) For paternity affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFPR depending on the laws of the state where the affidavit is filed.

(5) DCS relies on paternity affidavits if the mother and the father were eighteen years of age or older at the time they signed the affidavit, or have reached eighteen years of age since signing the affidavit. A party who was under eighteen at the time the affidavit was signed and filed in Washington after August 14, 1997 has sixty days after their eighteenth birthday to void the affidavit; for affidavits filed in other states, the law of the state of filing determines whether the affidavit is voidable.

(6) If the mother was married at the time of the child's birth, but not to the man acknowledging paternity, the man to whom she was married must also have signed the affidavit to deny paternity.

(7) If the affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

NEW SECTION

WAC 388-14A-3105 How does the division of child support serve support establishment notices? The division of child support (DCS) serves a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) in the following manner:

(1) On the noncustodial parent:

(a) By certified mail, return receipt requested; or

(b) By personal service.

(2) On the custodial parent:

(a) By first class mail to the last known address, if the custodial parent is the one who applied for services.

(b) In the same manner as on the noncustodial parent, if the custodial parent is not the one who applied for services.

NEW SECTION

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR) becomes a final, enforceable order if neither the custodial parent or the noncustodial parent objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the noncustodial parent must object within the following time limits:

(a) Within twenty days of service, if the noncustodial parent was served in Washington state.

(b) Within sixty days of service, if the noncustodial parent was served outside of Washington state.

(4) To be timely, the custodial parent must object within twenty days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date the division of child support (DCS) receives the request for hearing.

(7) When an NFPR is served, the order will not become a final order if either parent requests genetic testing under WAC 388-11-048 (or as later amended) within the following time limits:

(a) The noncustodial parent must request genetic testing within twenty days of service, if the noncustodial parent was served in Washington state and the affidavit has not yet become a final determination of paternity.

(b) The noncustodial parent must request genetic testing within sixty days of service, if the noncustodial parent was served outside of Washington state and the affidavit has not yet become a final determination of paternity.

(c) The custodial parent must request genetic testing within twenty days of service and may request genetic testing only if the affidavit has not yet become a final determination of paternity.

(d) For parties who have filed paternity affidavits in Washington after August 14, 1997, a request for genetic testing does not by itself operate to rescind the affidavit.

(8) The noncustodial parent or custodial parent must make the hearing request or request for genetic testing, either in writing or orally, at any DCS office. See WAC 388-14-500 (or as later amended) regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-11-150 (or as later amended);

(b) An initial decision for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or

(c) A review decision.

NEW SECTION

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) The NFFR:

(a) Advises the noncustodial parent and the custodial parent (who can be either a parent or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by WAC 388-11-210 (or as later amended) and RCW 74.20A.055.

(c) Includes the noncustodial parent's health insurance obligation, as required by WAC 388-11-215 (or as later amended).

(d) May include an obligation to provide support for day-care or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(e) Warns the noncustodial parent and the custodial parent that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(3) After service of the NFFR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(4) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(5) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(6) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFFR can end sooner or later than age eighteen.

(7) An affidavit or acknowledgment of paternity filed in Washington state on or after August 14, 1997 becomes a legal finding of paternity under RCW 26.26.040 (1)(e) unless it is rescinded (withdrawn) within sixty days of filing. If sixty days have passed since the affidavit or acknowledgment was filed, DCS may serve a NFFR to establish a support obligation.

(8) If the parents filed a paternity affidavit or acknowledgment of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(9) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

NEW SECTION

WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFPR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.056.

(2) The NFPR differs from a notice and finding of financial responsibility (NFFR) (see WAC 388-14A-3115) because the parties may request genetic testing to contest paternity after being served with a NFPR.

(3) DCS serves a NFPR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before August 14, 1997;

(b) An affidavit acknowledging paternity is on file with the center for health statistics and was filed on or after August 14, 1997 but the sixty-day period for rescission has not yet passed; or

(c) An affidavit acknowledging paternity is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or challenge paternity.

(4) DCS attaches a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(5) The NFPR advises the noncustodial parent and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFPR fully and fairly advises the parents of their rights and responsibilities under the NFPR. The NFPR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different

from, the amount stated in the NFPR, if necessary for an accurate support order.

(6) The NFPR includes the information required by WAC 388-11-210 (or as later amended), RCW 74.20A.055, and 74.20A.056.

(7) The NFPR includes the noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended).

(8) The NFPR may include an obligation to provide support for daycare expenses or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(9) DCS may not assess an accrued support debt for a period longer than five years before the NFPR is served. This limitation does not apply to the extent that the noncustodial parent hid or left the state of Washington for the purpose of avoiding service.

(10) After service of the NFPR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(11) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(12) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

(13) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFPR can end sooner or later than age eighteen.

(14) Either the noncustodial parent, or the mother, if she is also the custodial parent, may request genetic tests under WAC 388-11-048 (or as later amended), notwithstanding the language of WAC 388-11-048, which refers only to the father. A mother who is not the custodial parent may at any time request that DCS refer the case for paternity establishment in the superior court.

(15) DCS does not stop enforcement of the order unless DCS receives a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the noncustodial parent is later:

(a) Excluded from being the father by genetic tests; or

(b) Found not to be the father by a court of competent jurisdiction.

(16) If the noncustodial parent requested genetic tests and was not excluded as the father, he may request within twenty days from the date of service of the genetic tests in Washington, or sixty days from the date of service of the genetic tests outside of Washington:

(a) A hearing on the NFPR.

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(17) If the noncustodial parent was not excluded as the father, the mother, if she is also the custodial parent, may

within twenty days of the date of service of the genetic tests request:

(a) A hearing on the NFPR; or

(b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(18) If the affidavit or acknowledgment was filed in Washington after August 14, 1997, but sixty days have not passed since filing, DCS serves a NFPR. If the NCP wishes to contest paternity he must rescind (withdraw) the acknowledgment at the center for health statistics before the sixty-day period ends or there will be a legal finding of paternity under RCW 26.26.040 (1)(e). A request to DCS for genetic testing is not sufficient to withdraw the paternity affidavit.

(19) If the NCP is excluded by genetic testing, DCS may refer the case for paternity establishment in the superior court.

(20) A hearing on a NFPR is for the limited purpose of resolving the accrued support debt, current support obligation and reimbursement to DCS for paternity-related costs. The NCP has the burden of proving any defenses to liability.

NEW SECTION

WAC 388-14A-3125 The notice and finding of medical responsibility is used to set a medical support obligation when the custodial parent receiving medical assistance declines full child support enforcement services. (1) A notice and finding of medical responsibility (NFMR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support pursuant to chapter 74.20A RCW to establish and enforce a health insurance obligation.

(2) DCS may serve a NFMR when:

(a) The custodial parent (who is either a parent or the physical custodian of the child) or a dependent child receives or is certified eligible to receive medical assistance and is not receiving cash grant public assistance under 74.12 RCW; and

(b) The custodial parent has requested medical support enforcement services only and has asked DCS in writing not to collect monetary child support.

(3) The NFMR advises the NCP and the CP of the medical support obligation for the children named in the notice. The NFMR fully and fairly advises the parties of their rights and responsibilities under the NFMR.

(4) The NFMR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFMR, if necessary for an accurate support order.

(5) The NFMR includes:

(a) The information required by WAC 388-11-210 (or as later amended);

(b) The noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended);

(c) The maximum premium amount the noncustodial parent must pay; and

(d) The income basis used to calculate the maximum premium amount, pursuant to WAC 388-14A-3200.

(6) The income basis for an obligation established by DCS for a NFMR is not binding on any party in any later action to establish a cash child support obligation.

(7) After service of the NFMR, the noncustodial parent (NCP) and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(8) DCS may take enforcement action under RCW 26.18.170, WAC 388-11-215, and 388-14-480 (or as these sections are later amended) without further notice when the NFMR is a final order. See WAC 388-14A-3110 for how a notice becomes a final order.

(9) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFMR can end sooner or later than age eighteen.

(10) If the custodial parent applies for full enforcement services while a hearing on a NFMR is pending, DCS may, at any time before the hearing record is closed, convert the hearing to a hearing on a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115 or a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120. To convert the hearing, DCS serves a NFFR or NFPR on the parents and files a copy with the administrative law judge (ALJ). The ALJ may grant a continuance if a party requests additional time to respond to the claim for monetary child support.

(11) In a NFMR hearing, the ALJ must determine the:

(a) Basic support obligation, without deviations; and

(b) Maximum premium amount under chapter 26.19 RCW and WAC 388-11-215 (or as later amended).

(12) A hearing on a NFMR is for the limited purpose of resolving the NCP's medical support responsibility. The NCP has the burden of proving defenses to liability.

NEW SECTION

WAC 388-14A-3130 What happens if a parent makes a timely request for hearing on a support establishment notice? (1) A timely request for hearing is an objection made within the time limits of WAC 388-14A-3110. For late (or untimely) hearing requests, see WAC 388-14A-3135.

(2) If either parent makes a timely request for hearing, the division of child support (DCS) submits the hearing request to the office of administrative hearings (OAH) for scheduling.

(3) OAH sends a notice of hearing by certified mail to all parties, notifying each party of the date, time and place of the hearing. DCS, the noncustodial parent, and the custodial parent are all parties to the hearing.

(4) A timely request for hearing stops the support establishment notice from becoming a final order, so DCS cannot collect on the notice. However, in appropriate circumstances, the administrative law judge (ALJ) may enter a temporary support order under WAC 388-14A-3850.

(5) A hearing on an objection to a support establishment notice is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

NEW SECTION

WAC 388-14A-3131 What happens if neither parent appears for the hearing? (1) If neither parent appears at the scheduled hearing after being sent a notice of hearing, the administrative law judge (ALJ) enters an initial decision and order on default, declaring the support establishment notice's claim for support to be final and subject to collection action.

(2) The initial decision and order on default is subject to collection action on the twenty-second day after the order of default was mailed by the office of administrative hearings.

(3) A parent that did not appear may petition to vacate the default order pursuant to WAC 388-11-120 (or as later amended).

(a) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the NFFR, NFPR or NFMR. All parties may participate in the hearing.

(b) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

NEW SECTION

WAC 388-14A-3132 What happens if only one parent appears for the hearing? (1) If one parent appears at the hearing, but the other parent fails to appear after being sent a notice of hearing, the administrative law judge (ALJ) enters an order of default against the parent that did not appear. The hearing proceeds as described in WAC 388-14A-3140.

(2) The division of child support (DCS) and the parent that did appear may enter a consent order, but not an agreed settlement. The obligation in the consent order may be higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order. The terms of the consent order become final on the twenty-second day after the mailing of the order of default to the parent that did not appear.

(3) DCS and the parent that did appear may proceed to hearing. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, without further notice to the nonappearing parent, if necessary for an accurate support order.

(4) The parent that did not appear may petition to vacate the order of default pursuant to WAC 388-11-120 (or as later amended). The ALJ must consider the prejudice to the party that appeared for hearing before vacating an order of default.

(5) If the ALJ vacates the order of default, the ALJ then conducts a full hearing on the merits of the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR) or notice and finding of medical responsibility (NFMR). All parties may participate in the hearing.

(6) If the parent who did not appear at the hearing is unsuccessful in the motion to vacate the default order, the ALJ may treat the petition as a petition to modify the support order.

NEW SECTION

WAC 388-14A-3133 What happens when the non-custodial parent and the custodial parent both appear for the hearing? If both parents appear at the hearing:

(1) All parties may enter an agreed settlement or consent order. WAC 388-11-150 (or as later amended) describes when an agreed settlement or consent order is a final order.

(2) All parties may proceed to hearing, after which the ALJ issues an initial decision and order. The ALJ may enter an initial decision setting an obligation which is higher or lower, or different from, the terms set forth in the notice, if necessary for an accurate support order.

(3) In a hearing under this section, the division of child support (DCS) shall proceed first to document the support amount that DCS believes to be correct. Following DCS's presentation, the custodial parent (CP) and the noncustodial parent (NCP) may proceed in turn to show why the DCS position is wrong.

NEW SECTION

WAC 388-14A-3135 Late hearings, or hearing on untimely objections to support establishment notices. (1) For orders established before August 30, 1997, if the noncustodial parent did not timely object to the notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), only the noncustodial parent may petition for a late hearing, pursuant to WAC 388-11-310 (or as later amended).

(2) For orders established after August 30, 1997, if neither parent timely objected to the NFFR, NFPR, or NFMR, either the noncustodial parent or the custodial parent may petition for a late hearing, pursuant to WAC 388-11-310 (or as later amended). See WAC 388-14A-3110 for the time limits for a timely hearing request.

(3) The division of child support (DCS) continues to enforce the order even if a late request for hearing is filed.

(4) If DCS receives the late hearing request within one year of the date of service of the notice, the parent requesting the hearing is not required to show good cause to have a hearing on the merits of the notice.

(5) If DCS receives the late hearing request more than a year after the date of service of the notice, the parent requesting the hearing must show good cause why the hearing request was not timely. WAC 388-11-011 (or as later amended) contains the definition of good cause.

NEW SECTION

WAC 388-14A-3140 What can happen at a hearing on a support establishment notice? (1) When a parent requests a hearing on a notice and finding of financial responsibility (NFFR), notice and finding of parental responsibility (NFPR), or notice and finding of medical responsibility (NFMR), the hearing is limited to resolving the accrued support debt, current support and future support obligation.

(2) The noncustodial parent has the burden of proving any defenses to liability. See WAC 388-11-065 (or as later amended).

(3) Both the NCP and the custodial parent (CP) must show cause why the terms in the NFFR, NFPR, or NFMR are incorrect.

(4) The administrative law judge (ALJ) or review judge has authority to enter a support obligation that may be higher or lower than the amounts set forth in the NFFR, NFPR, or NFMR, including the support debt, current support, and the future support obligation. The ALJ or review judge may enter an order that differs from the terms stated in the notice, including different debt periods, if the obligation is supported by credible evidence presented by any party at the hearing, without further notice to any nonappearing party, if the ALJ or review judge finds that due process requirements have been met.

(5) The ALJ has no authority to determine custody or visitation issues.

(6) When a party has advised the ALJ that they will participate by telephone, the ALJ attempts to contact that party on the record before beginning the proceeding or rules on a motion. The ALJ may not disclose to the other parties the telephone number of the location of the party appearing by phone.

(7) In certain cases, there is no "custodial parent" because the child or children are in foster care.

(a) If the NCP fails to appear for hearing, see WAC 388-14A-3131.

(b) If the NCP appears for hearing, see WAC 388-14A-3133.

(8) In certain cases, there can be two NCPs, called "joint NCPs." This happens when a husband and wife are jointly served a support establishment notice for a common child who is not residing in their home.

(a) If both NCPs fail to appear for hearing, see WAC 388-14A-3131;

(b) If both NCPs appear for hearing, see WAC 388-14A-3133; or

(c) One joint NCP may appear and represent the other joint NCP.

(9) When the CP asserts good cause level B (see WAC 388-422-0020), DCS notifies the CP that they will continue to receive documents, notices and orders. The CP may choose to participate at any time. Failure to appear at hearing results in a default order but does not result in a sanction for noncooperation under WAC 388-14-201 (or as later amended).

(10) If any party appears for the hearing and elects to proceed, absent the granting of a continuance the ALJ hears the matter and enters an initial decision and order based on the evidence presented. The ALJ includes a party's failure to appear in the initial decision and order as an order of default against that party. The direct appeal rights of the party who failed to appear shall be limited to an appeal on the record made at the hearing.

NEW SECTION

WAC 388-14A-3200 How does DCS determine my support obligation? The division of child support (DCS) determines support obligations using the Washington state child support schedule, which is found in chapter 26.19 RCW, for the establishment and modification of support orders.

NEW SECTION

WAC 388-14A-3205 How does DCS calculate my income? (1) The division of child support (DCS) calculates a parent's income using the best available information, in the following order:

- (a) Actual income;
 - (b) Estimated income, if DCS has:
 - (i) Incomplete information;
 - (ii) Information based on the prevailing wage in the parent's trade or profession; or
 - (iii) Information that is not current.
 - (c) Imputed income under RCW 26.19.071(6).
- (2) DCS calculates support obligations using the methods set forth in WAC 388-11-205 (or as later amended).

AMENDATORY SECTION (Amending WSR 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96)

WAC 388-11-011 Definitions. For purposes of this chapter and chapters 388-13 ~~(and)~~, 388-14, and 388-14A WAC, the following definitions shall apply:

((+)) "Accrued debt" means a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including birth costs, of a dependent child owed by a person having signed an affidavit acknowledging paternity which has been filed with the state center for health statistics.

((2)) "Administrative order" means a determination, finding, decree, or order for support issued under RCW 74.20A.055 or 74.20A.056 or by another state's agency under an administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support money to satisfy current support or a support debt. Administrative orders include:

((a)) (1) An agreed settlement or consent order entered under WAC 388-11-150; or

((b)) (2) A notice and finding of financial responsibility, a notice and finding of parental responsibility, or a notice and finding of medical responsibility that has become final by operation of law.

((3)) "Agency" means the division of child support, department of social and health services. "Office of support enforcement," "office," and "OSE" also mean the division of child support.

((4)) "Agreed settlement" means the informal disposition of a contested case by written agreement between one or both parents and the agency establishing or modifying a support obligation and ordering payment or establishing a health insurance coverage obligation. The agreement shall be effective without the presiding officer's approval.

((5)) "Arrears," "delinquency," and "past support" mean the amount owed for a period of time before the instant month.

((6)) "Birth costs" mean the reasonable and necessary costs associated with the birth of a child, including costs of the mother's pregnancy and confinement.

((7)) "Consent order" means the disposition of a contested case by written agreed order, approved by the presiding officer, between one or both parents and the agency establishing a support obligation and ordering payment.

((8)) "Current support" or "current and future support" means support money paid to satisfy the support obligation for the present month as opposed to satisfaction of a support debt. Current and future support also means the prospective obligation to make monthly support payments.

((9)) "Custodial parent" means the person (whether parent or nonparent) with whom a child resides the majority of the time.

"Date the state assumes responsibility for the support of a dependent child on whose behalf support is sought" means the date an aid to families with dependent children, or foster care program grant is effective. For purposes of this chapter, the state remains responsible for the support of a dependent child until public assistance terminates, or support enforcement services terminate, whichever occurs later.

((10)) "Department" means the Washington state department of social and health services.

((11)) "Dependent child" means a person:

((a)) (1) Seventeen years of age or younger who is not self-supporting, married, or a member of the United States armed forces;

((b)) (2) Eighteen years of age or older for whom a court order requires support payments past eighteen years of age; or

((c)) (3) Eighteen years of age or older, but under nineteen years of age, for whom an administrative support order exists if the child is:

((i)) (a) A full-time student; and

((ii)) (b) Reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the end of the month in which the child becomes nineteen years of age.

((12)) "Fraud" means, for the purposes of WAC 388-11-120:

((a)) (1) The representation of the existence or nonexistence of a fact;

((b)) (2) The representation's materiality;

((c)) (3) The representation's falsity;

((d)) (4) The speaker's knowledge of the falsity;

((e)) (5) The speaker's intent that the representation should be acted on by the person to whom it is made;

((f)) (6) Ignorance of the falsity on the part of the person to whom it is made;

((g)) (7) The latter's:

((i)) (a) Reliance on the truth of the representation;

((ii)) (b) Right to rely upon it; and

((iii)) (c) Subsequent damage.

~~((13))~~ **"Genetic testing"** means tests of blood, tissues, or bodily fluids.

"Good cause" for the purposes of late hearing requests under WAC 388-11-310 and petitions to vacate orders on default under WAC 388-11-120 means there is substantial reason or legal justification for delay, including but not limited to a showing of those grounds enumerated in civil rule 60. The time periods set forth in civil rule 60 apply to determinations of good cause under this definition.

~~((14))~~ **"Health care costs,"** for the purpose of:

~~((a))~~ (1) Establishing support obligations under RCW 74.20A.055 and 74.20A.056, means medical, dental, and optometrical costs and expenses; and

~~((b))~~ (2) Enforcement action under Titles 26.23, 74.20, and 74.20A RCW, including a notice of support owed and a notice of support debt, means medical, dental, optometrical costs stated as a fixed dollar amount by a support order.

~~((15))~~ **"Hearing"** means an adjudicative proceeding authorized by this chapter, chapter 388-13 ~~((e))~~, 388-14, or 388-14A WAC, or chapter 26.23, 74.20 or 74.20A RCW and conducted under chapters 388-08 WAC and 34.05 RCW. A conference board under WAC 388-14-385 is not a hearing or an adjudicative proceeding.

~~((16))~~ **"Locate"** means service of a notice and finding of financial, parental, or medical responsibility in a manner prescribed by WAC 388-11-285, 388-11-290 ~~((e))~~, 388-11-295, 388-14A-3115, 388-14A-3120, or 388-14A-3125.

~~((17))~~ **"Medical support"** means health care costs stated as a fixed dollar amount in a support order and health insurance coverage for a dependent child's benefit.

~~((18))~~ **"Noncustodial parent"** means the natural parent, adoptive parent, responsible stepparent, or person having signed an affidavit acknowledging paternity which has been filed with the state center for health statistics, from whom the division of child support seeks support for a dependent child because the child did not reside the majority of the time period in question in that parent's household.

"Other ordinary expense" means an expense incurred by a responsible parent:

~~((a))~~ (1) Directly benefiting a dependent child; and

~~((b))~~ (2) Relating to the parent's residential time or visitation with a child.

~~((19))~~ **"Paternity testing"** means blood testing or genetic tests of blood, tissues, or bodily fluids.

~~((20))~~ **"Reasonable efforts to locate"** means any of the following actions taken by the agency:

~~((a))~~ (1) Mailing the notice and finding of financial responsibility, the notice and finding of parental responsibility, or the notice and finding of medical responsibility, by certified mail, return receipt requested, to the responsible parent;

~~((b))~~ (2) Referral to a sheriff, other server of process or locate service, or department employee for locate activities;

~~((c))~~ (3) Tracing activity as follows:

~~((i))~~ (a) Checking local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities;

~~((ii))~~ (b) Contacting state agencies, union or financial, or fraternal organizations;

~~((iii))~~ (c) Periodic searches for identification information recorded by other state agencies, federal agencies, credit bureaus, or other record keeping agencies or entities;

~~((iv))~~ (d) Case maintenance in the agency's automated locate program.

~~((d))~~ (4) Referral to state or federal parent locator service;

~~((e))~~ (5) Referral to the attorney general, a prosecuting attorney, the IV-D agency of another state, or the Internal Revenue Service for specific legal or collection action;

~~((f))~~ (6) Attempts to confirm the existence of and to obtain a copy of a paternity acknowledgment; or

~~((g))~~ (7) Other actions reasonably calculated to produce information regarding the responsible parent's whereabouts.

~~((21))~~ **"Residential parent"** means a parent with whom a child resides a majority of the time.

~~((22))~~ **"Responsible parent"** means the natural parent, adoptive parent, responsible stepparent, or a person having signed an affidavit acknowledging paternity which has been filed with the state center for health statistics, from whom the department seeks support for a dependent child because the child resided with someone else during the period for which support is sought.

~~((23))~~ **"Responsible stepparent"** means a stepparent having established an in loco parentis relationship with the dependent child or children.

~~((a))~~ (1) The status shall continue until the relationship is terminated by death, dissolution of marriage, or by superior court order as provided under RCW 26.16.205.

~~((b))~~ (2) A rebuttable presumption of an in loco parentis relationship is created when the stepparent:

~~((i))~~ (a) Lives with the child and the parent; or

~~((ii))~~ (b) Provides care, support, or guidance for the child.

~~((24))~~ **"Secretary"** means the secretary of the department of social and health services or the secretary's designee.

~~((25))~~ **"State"** means a state or political subdivision, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, a federally recognized Indian tribe, or a foreign country.

~~((26))~~ **"Superior court order"** means a judgment, decree, or order of a Washington state superior court or another state's court of comparable jurisdiction:

~~((a))~~ (1) Establishing a support obligation and ordering payment thereon of a set or determinable amount; or

~~((b))~~ (2) Specifically relieving a responsible parent of a support obligation.

~~((27))~~ **"Support debt"** means:

~~((a))~~ (1) A delinquent amount of support money due, owing, and unpaid under a superior court order or an administrative order;

~~((b))~~ (2) A debt for the payment of expenses for the reasonable or necessary care, support and maintenance, including health care costs as defined in this section, birth costs, child care, special child rearing expenses, and an accrued

debt under RCW 74.20A.056, of a dependent child or other person for whom a support obligation is owed;

~~((e))~~ (3) A debt under RCW 74.20A.100 or 74.20A.270; or

~~((d))~~ (4) Accrued interest, fees, or penalties charged on a support debt, and attorneys' fees and other costs of litigation awarded in an action under Title IV-D of the Social Security Act establishing and enforcing a support obligation or support debt.

~~((28))~~ "Support establishment notice" means a notice and finding of financial responsibility under WAC 388-11-285 or 388-14A-3115, a notice and finding of parental responsibility under WAC 388-11-290 or 388-14A-2120, or a notice and finding of medical responsibility under WAC 388-11-295 or 388-14A-3125.

~~((29))~~ "Support money" means money paid to satisfy a support obligation whether named child support, spousal support, alimony, maintenance, medical support, birth costs, or other money intended to satisfy a support obligation for a person or satisfy wholly or partly a support debt.

~~((30))~~ "Support obligation" means the obligation to provide for the necessary care, support, and maintenance of a dependent child or other person as required by law, including health insurance coverage, health care costs as defined in this section, birth costs, and child care and special child rearing expenses.

~~((31))~~ "Tribunal" means a state court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

AMENDATORY SECTION (Amending WSR 90-04-077 (Order 3005), filed 2/5/90, effective 3/1/90)

WAC 388-11-100 Duty of the administrative law judge in a hearing to determine the amount of a support obligation. (1) In hearings held under this chapter and chapter 388-14A WAC to contest a notice and finding of financial responsibility or a notice and finding of parental responsibility or other notice or petition, the administrative law judge ~~((shall))~~ (ALJ) must determine:

(a) The ~~((responsible))~~ noncustodial parent's obligation to provide support under RCW 74.20A.057;

(b) The net monthly income of the ~~((responsible))~~ noncustodial parent and any ~~((residential))~~ custodial parent;

(c) The ~~((responsible))~~ noncustodial parent's share of the basic support obligation and any adjustments to that share, as warranted by his or her circumstances;

(d) If requested by a party, the ~~((responsible))~~ noncustodial parent's share of any special child-rearing expenses;

(e) The ~~((responsible))~~ noncustodial parent's obligation to provide medical support under WAC 388-11-215 (or as later amended);

(f) The ~~((responsible))~~ noncustodial parent's accrued debt and order payments thereon; and

(g) The ~~((responsible))~~ noncustodial parent's total current and future support obligation as a sum certain and order payments thereon.

(2) The ~~((administrative law judge shall))~~ ALJ must allow the ~~((office of support enforcement))~~ division of child

support (DCS) to orally amend the notice at the hearing to conform to the evidence. The ~~((administrative law judge))~~ ALJ may grant a continuance, when deemed necessary, to allow the ~~((responsible))~~ noncustodial parent and/or the custodial parent additional time to present rebutting evidence and/or argument as to the amendment.

(3) The ~~((administrative law judge shall))~~ ALJ may not require ~~((the office of support enforcement))~~ DCS to produce or obtain information, documents, or witnesses to assist the ~~((responsible))~~ noncustodial or custodial parent in proof of defenses to liability. However, this rule ~~((shall))~~ does not apply to relevant, nonconfidential information or documents that ~~((the office of support enforcement))~~ DCS has in its possession.

AMENDATORY SECTION (Amending WSR 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96)

WAC 388-11-120 When is it appropriate to vacate a default ~~((—Vacate—))~~ order? (1) If a party fails to appear at a hearing, the ~~((presiding officer shall))~~ administrative law judge (ALJ) must, upon a showing of valid service, enter an initial decision and default order or proceed in the absence of the defaulting party as provided in WAC 388-11-140(6) ~~((or 388-11-425))~~ (or as later amended) and 388-14A-3131, 388-14A-3132, or 388-14A-3140.

(2) The ~~((presiding officer shall))~~ ALJ must state in the decision that the:

(a) Support debt and the current support obligation stated in the notice ~~((and finding of financial or parental responsibility))~~ are assessed, determined, and subject to collection action; ~~((or))~~

(b) Health insurance provisions of the notice ~~((and finding of financial, parental or medical responsibility))~~ are subject to direct enforcement action ~~((:~~

~~((2)))~~; or

(c) Relief sought in the notice served by the division of child support is granted.

(3) Decisions and orders on default become final twenty-one days from the date of mailing under WAC 388-08-464.

~~((3))~~ (4) Any party against whom the ~~((presiding officer))~~ ALJ has entered an initial decision and order on default may petition the secretary or the secretary's designee for vacation of the default order, subject to the provisions, including time limits, of civil rule 60.

~~((4))~~ The agency shall)

(5) DCS must:

(a) Request that the office of administrative hearing (OAH) schedule a hearing to determine whether or not the petitioner has good cause for vacating the default order; and

(b) Give any other parties to the hearing notice of the time and date of the hearing. ~~((The department shall))~~ OAH must send the notice to the last known address of the party.

~~((5))~~ (6) If, in a hearing under this section, the ~~((presiding officer))~~ ALJ finds that the petitioner has good cause for vacating the default order, the ~~((presiding officer shall))~~ ALJ:

(a) Must conduct a hearing on the merits of the petitioner's objection to the notice that was the basis for the hearing at which the petitioner failed to appear; and

(b) May stay any further collection to the extent provided for under the regulations authorizing the notice the ((responsible)) parent originally objected to.

~~((6))~~ (7) The ~~((presiding officer shall))~~ ALJ must apply civil rule 60 to determine whether the petitioner has good cause.

(8) Before vacating an order of default at the request of the NCP or CP, the ALJ must consider the prejudice to the non-DCS party that did appear for hearing.

AMENDATORY SECTION (Amending Order 3964, filed 4/10/96, effective 5/11/96)

WAC 388-11-150 ~~((Consent order and))~~ The parties may resolve any child support case by entering a consent order or an agreed settlement. (1) ~~((The department may enter a consent order or agreed settlement to dispose of any contested case. The department shall use consent orders and agreed settlements in any case in which such informal disposition is feasible.~~

~~(a) An agreed settlement shall be effective without approval of a presiding officer.~~

~~(b) A consent order shall require the approval of a presiding officer to be effective. The presiding officer shall approve a consent order without requiring testimony or a hearing unless the entry of such an order would be specifically contrary to law.~~

~~(2) If negotiations to a consent order or agreed settlement are commenced within twenty days of service of a support establishment notice in Washington, or within sixty days of service of the support establishment notice in another state, and such negotiations fail, the responsible parent shall have an additional twenty days from the date the negotiations fail to file a written request for a hearing.)~~ The division of child support (DCS) may enter a consent order or agreed settlement to finalize any dispute in which a party requests a hearing. DCS attempts to settle matters through agreement when possible.

(a) An agreed settlement is signed only by the parties (DCS, the custodial parent and the noncustodial parent).

(b) A consent order must be signed by the parties and by an administrative law judge (ALJ). The ALJ approves a consent order without requiring testimony or a hearing, unless entry of the order would be unlawful.

(2) An agreed settlement or consent order is final and enforceable on:

(a) The date the last party signs the agreed settlement, if all parties signed the agreed settlement;

(b) The date the ALJ signs the consent order; or

(c) If the ALJ defaults one of the parties to the proceeding, the latest of the following dates:

(i) The date the ALJ signed the consent order;

(ii) The date the last party signed the agreed settlement;

or

(iii) The date the order of default is final.

(3) A party to a consent order or an agreed settlement may:

(a) Not petition for review of the settlement or order under WAC 388-08-464;

(b) Petition for modification under WAC 388-11-140 (or as later amended); and

(c) Petition to vacate the settlement or consent order under WAC 388-11-120 (or as later amended). ~~((The presiding officer))~~ However, the ALJ may only vacate a settlement or consent order ((on)) after making a finding of fraud by a party, or on any other basis that would result in manifest injustice.

(4) If a hearing has been scheduled, DCS files a copy of the agreed settlement or consent order with the office of administrative hearings (OAH), and OAH issues an order dismissing the hearing. There are no hearing rights on the order dismissing the hearing.

AMENDATORY SECTION (Amending WSR 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96)

WAC 388-11-305 Uniform Interstate Family Support Act—Notices served in another state. (1) Except as specified in WAC 388-14A-3105, where grounds for personal jurisdiction exist under RCW 26.21.075 or other Washington law, the ((agency)) division of child support (DCS) may serve the following legal actions in another state by certified mail, return receipt requested or by personal service, under chapter 26.21 RCW:

(a) A notice and finding of financial responsibility under WAC 388-11-285 or 388-14A-3115; and

(b) A notice and finding of parental responsibility under WAC 388-11-290 or 388-14A-3120;

(c) A notice of paternity test costs under WAC 388-11-048; or

(d) An affidavit of birth costs under WAC 388-11-220.

(2) A notice and finding of financial responsibility, a notice of paternity test costs, or an affidavit of birth costs becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the ~~((responsible))~~ noncustodial parent, within sixty days of service in another state:

(a) Contacts ((the agency)) DCS and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under:

(i) WAC 388-11-285(5) or 388-14A-3115 for a notice and finding of financial responsibility;

(ii) WAC 388-11-220 for an affidavit of birth costs; or

(iii) WAC 388-11-048 for a notice of paternity test costs.

(3) The effective date of a hearing request is the date the agency receives the hearing request.

(4) A notice and finding of parental responsibility becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the ((responsible)) noncustodial parent, within sixty days of service in another state:

(a) Contacts ((the agency)) DCS and signs an agreed settlement or consent order;

(b) Files a written request for a hearing under WAC 388-11-290(9) or 388-14A-3120 with ((the agency)) DCS; or

(c) Files a written request for paternity testing under WAC 388-11-048 to determine if he is the natural father of the dependent child named in the notice and cooperates in the

PERMANENT

testing. A request for a hearing or paternity testing is filed on the date the request is received by the agency.

(5) If the results of paternity tests requested under subsection (4) of this section do not exclude the responsible parent as the natural father of the dependent child, the notice and finding of parental responsibility becomes final and subject to immediate wage withholding without further notice under chapters 26.18, 26.23, and 74.20A RCW unless the ~~((responsible))~~ noncustodial parent, within sixty days of service of the paternity test costs in another state:

(a) Contacts ~~((the agency))~~ DC S and signs an agreed settlement or consent order; or

(b) Files a written request for a hearing under WAC 388-11-290(9) or 388-14A-3120.

(6) ~~((Presiding officers))~~ Administrative law judges and parties ~~((shall))~~ must conduct administrative hearings on notices served in another state under this section under the special rules of evidence and procedure in chapter 26.21 RCW and according to chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 96-09-036 (Order 3964), filed 4/10/96, effective 5/11/96)

WAC 388-11-310 Request for late hearing—Good cause. (1) A person with a right to a hearing under chapter 388-11, 388-13, ~~((or))~~ 388-14, or 388-14A WAC may file a written request for a late hearing after the period for requesting a timely hearing has passed. The effective date of a hearing request is the date the agency receives the request.

(2) Filing a request for a late hearing does not stay:

(a) Collection and enforcement under chapters 26.18, 26.23, or 74.20A RCW;

(b) The effect of any qualified domestic relations order;

(c) Certification of the support debt to the Internal Revenue Service for an income tax refund offset; or

(d) Distribution upon receipt of moneys collected.

(3)(a) A person who files a late hearing request shall show good cause for not filing a timely hearing request unless good cause is not required by the rule governing the notice that is objected to. Good cause is defined in WAC 388-11-011.

(b) If the presiding officer finds good cause for filing a late hearing request, the presiding officer shall:

(i) Issue a decision on the merits of the objection to the notice; and

(ii) Consider whether to order a stay of collection activities until such time as an initial decision or a temporary order under WAC 388-11-315 or 388-14A-3850(ff) is issued. Upon request, the ~~((presiding officer shall))~~ administrative law judge (ALJ) must, based on the evidence presented at hearing, issue an order under WAC 388-11-315 or 388-14A-3850(ff), setting or denying temporary support pending the initial decision. ~~((This order shall be on the record, but an order denying temporary support need not be in writing.))~~

(c) If the ~~((presiding officer))~~ ALJ does not find good cause for filing a late hearing request, the ~~((presiding officer))~~ ALJ may issue a decision on modification of the current and future support obligation, if applicable, without a showing of a change of circumstances.

(4) If the ~~((presiding officer))~~ ALJ finds good cause for filing a late hearing request, the agency shall not refund any excess moneys collected prior to the finding of good cause. However, the ~~((presiding officer))~~ ALJ may issue a decision which gives credit against future support in the amount of the excess collections when and to the extent that credits against future support do not:

(a) Create hardship to the children for whom support is sought; and

(b) Offset an overpayment of the obligation to the physical custodian against a debt owed to the department; or

(c) Offset an overpayment of the obligation to the department against a debt owed to the physical custodian.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-11-285	Notice and finding of financial responsibility.
WAC 388-11-290	Notice and finding of parental responsibility.
WAC 388-11-295	Notice and finding of medical responsibility.
WAC 388-11-400	Physical custodians—Rights to participate in hearings.
WAC 388-11-410	Notice of proposed child support amount.
WAC 388-11-415	Support establishment notice—Physical custodian accepts proposed child support amount.
WAC 388-11-420	Support establishment notice—Physical custodian objects to the proposed child support amount.
WAC 388-11-425	Hearings on support establishment notices.
WAC 388-11-430	Settlement and consent order.
WAC 388-14-445	Notice of proposed settlement.

WSR 00-16-004

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 20, 2000, 10:12 a.m., effective September 1, 2000]

Date of Adoption: July 13, 2000.

Purpose: This new rules and modification will allow the personnel officer of an institution of higher education on the appointing authority of an agency flexibility to adjust a current employee's salary within the range to address issues that are related to recruitment and retention.

Citation of Existing Rules Affected by this Order: New WAC 251-08-075 Salary adjustments; and amending WAC 356-14-070 Salary—Limits.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 00-12-074 on June 6, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 1, Repealed 0.

Effective Date of Rule: September 1, 2000.

July 19, 2000

Dennis Karras

Secretary

NEW SECTION

WAC 251-08-075 Salary adjustment. The personnel officer may authorize a salary adjustment for an employee within the salary range of the current class to address issues that are related to recruitment and retention, such as equity, alignment, or competitive market conditions.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-070 Salary—Limits. (1) No employee shall be compensated at a basic salary rate greater than the maximum or less than the minimum step of the salary range to which the class had been allotted, unless the director authorizes a different rate in cases of reallocation downward or in other cases involving unusual circumstances where equity requires a different rate of pay.

(2) The appointing authority may authorize a salary adjustment for an employee within the salary range of the current class to address issues that are related to recruitment and retention, such as equity, alignment, or competitive market conditions.

(3) On appeals from reallocation downward the decision of the director or designee, and/or the personnel appeals board, may be made effective retrospectively to the effective date of the appealed reallocation. In all other cases the decision shall only be made effective prospectively. All such requests and justifications must be submitted to the board in writing within 15 calendar days from the effective date of the action from which the request originates.

WSR 00-16-005

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 20, 2000, 10:14 a.m., effective September 1, 2000]

Date of Adoption: July 13, 2000.

Purpose: This modification will give agencies flexibility to allow higher than 5% increase when employees promote. The amount of the increase shall remain on a step within the salary range of the class.

Citation of Existing Rules Affected by this Order: Amending WAC 356-14-140 Salary—Increase on promotion.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 00-12-073 on June 6, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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: September 1, 2000.

July 19, 2000

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 90-23-030 (Order 361), filed 11/14/90, effective 12/15/90)

WAC 356-14-140 Promotion—Salary~~((—I))~~**increase** ~~((on promotion)).~~ (1) ~~((A))~~ The appointing authority shall advance an employee who is promoted ~~((to a class whose base range is less than six ranges higher than the base range of the former class will advance))~~ to the step of the range for the new class which is nearest to a minimum of 5% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 5% increase, but the amount must be on a step within the salary range for the class.

(2) ~~((A))~~ The appointing authority shall advance an employee who is promoted under any one or more of the following conditions ~~((shall advance))~~ to the step of the range for the new class which is nearest to a minimum of 10% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 10% increase, but the amount must be on a step within the salary range for the class.

(a) When the employee is promoted to a class whose base range is six or more ranges higher than the base range of the employee's former class.

(b) When the employee is promoted over an intervening class in the same class series.

(c) When the employee is promoted from one class series to a higher class in a different series and over an intervening class in the new series which would have represented a promotion.

(d) When an employee's promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work.

(3) When an employee is promoted from a Y-rate salary, the Y-rate shall first terminate, and the promotional increase shall be calculated from the next-lower step of the range for the class from which promoted. The calculation will then be completed as illustrated in 1 or 2 of this section.

~~((4) Any promotional increase must result in a salary which is not less than the first, and not more than the top, step of the range for the class to which the employee is promoted.))~~

~~((5))~~ (4) No assignment pay or other special pay provision, except applicable comparable worth ranges, shall be considered in calculating promotional increases.

~~((6))~~ (5) Promotional increases for T-ranges (teachers and principals) are calculated in the manner described ~~(above)~~ in the compensation plan and WAC 356-15-140.

~~((7))~~ (6) An employee who is working in a position which is included in an approved class series study, and who accepts a promotion within that agency to a classification impacted by the same study, shall be paid not less than the salary that would have been paid if the employee had remained in the former position and benefited from an upward reallocation. The new higher salary must be on a step within the range for the new class to which the employee is promoted, and shall be effective on the effective date of the class study.

~~((8) The salary of any employee who, after June 30, 1990, was promoted to a class whose range has a higher top step than that of the former class, and who received less promotional increase than is provided under subsection 1 or 2 of this section, shall be recalculated. Effective September 16, 1990, such salary shall move to the even step of the range which would result if the promotion had occurred that day.~~

~~If such employee has received a periodic increment increase since June 30, 1990, the base salary on September 16, 1990, shall be not less than if the increment date had occurred on September 16, 1990.))~~

~~((9))~~ (7) Promotional increases for ~~(("N" ranges))~~ ~~((classes requiring licensure as a registered nurse((3))~~ ("N" ranges) are ~~((not))~~ calculated in the manner described ~~(above)~~ below.

An employee who is promoted into or between classes which have special pay range "N" shall advance to the step in the new range, as shown in the "N" range salary schedule, which represents the greater of (a), (b) or ~~((b))~~ (c) below.

(a) Placement on the step which coincides with the employee's total length of experience as a registered nurse (RN) and/or licensed practical nurse (LPN). Experience shall be credited as follows:

(i) RN experience shall be credited year for year.

(ii) Up to ten years LPN experience shall be credited at the rate of two years LPN experience equals one year of RN experience, for a maximum credit of five years.

or

(b) Placement on the step of the new range which is nearest to a minimum of 5% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 5% increase, but the amount must be on a step within the salary range for the class.

or

(c) The appointing authority shall advance an employee who is promoted under any one or more of the following conditions to the step of the range for the new class which is nearest to a minimum of 10% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 10% increase, but the amount must be on a step within the salary range for the class.

(i) When the employee is promoted to a class whose base range is six or more ranges higher than the base range of the employee's former class.

(ii) When the employee is promoted over an intervening class in the same class series.

(iii) When the employee is promoted from one class series to a higher class in a different series and over an intervening class in the new series which would have represented a promotion.

(iv) When an employee's promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work.

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 00-16-015
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed July 21, 2000, 2:30 p.m.]

Date of Adoption: July 21, 2000.

Purpose: To explain the circumstances under which taxes may be deducted or excluded from the measure of tax under the business and occupation (B&O) tax, retail sales tax, and public utility tax. The rule also provides nonexclusive lists of specific taxes that are deductible, and those which are not deductible.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-195 Taxes, deductibility.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 00-12-075 on June 6, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 21, 2000

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 99-13-053, filed 6/9/99, effective 7/10/99)

WAC 458-20-195 Taxes, deductibility. (1) **Introduction.** This rule explains the circumstances under which taxes may be deducted from the gross amount reported as the measure of tax under the business and occupation tax, retail sales tax, and public utility tax. It also lists deductible and nondeductible taxes.

(2) **Deductibility of taxes.** In computing tax liability, the amount of certain taxes may be excluded or deducted from the gross amount reported as the measure of tax under the business and occupation (B&O) tax, the retail sales tax, and the public utility tax. These taxes may be deducted provided they have been included in the gross amount reported under the classification with respect to which the deduction is sought, and have not been otherwise deducted through inclusion in the amount of ~~((an))~~ another allowable deduction ~~((taken under such classification for another reason, e.g., interstate commerce)), such as credit losses.~~

The amount of taxes which are not allowable as deductions or exclusions must in every case be included in the gross amount reported. License and regulatory fees are not deductible. Questions regarding the deductibility or exclusion of a tax that is not specifically identified in this rule should be submitted to the department of revenue for determination.

(3) **Motor vehicle fuel taxes.** RCW 82.04.4285 provides a B&O tax deduction for certain state and federal motor vehicle fuel taxes when the taxes are included in the sales price. These taxes include:

- State motor vehicle fuel tax chapter 82.36 RCW;
- State special fuel tax chapter 82.38 RCW;
- Federal tax on diesel and special motor fuels (including leaking underground storage tank taxes), except train and aviation fuels 26 U.S.C.A. Sec. 4041;
- Federal tax on inland waterway commercial fuel 26 U.S.C.A. Sec. 4042;

- Federal tax on gasoline and diesel fuel for use in highway vehicles and motorboats 26 U.S.C.A. Sec. 4081.

(4) **Taxes collected as an agent of municipalities, the state, or the federal government.** The amount of taxes collected by a taxpayer, as agent for municipalities, the state of Washington or its political subdivisions, or ~~((for))~~ the federal government, may be deducted from the gross amount reported. These taxes are deductible under each tax classification of the Revenue Act under which the gross amount from such sales or services must be reported.

This deduction applies only where the amount of such taxes is received by the taxpayer as collecting agent and is paid by the agent directly to a municipality, the state, its political subdivisions, or to the federal government. When the taxpayer is the person upon whom a tax is primarily imposed, no deduction or exclusion is allowed, since in such case the tax is a part of the cost of doing business. The mere fact that the amount of tax is added by the taxpayer as a separate item to the price of goods sold, or to the charge for services rendered, does not in itself, make such taxpayer a collecting agent for the purpose of this deduction. Examples of deductible taxes include:

FEDERAL—

- Tax on ~~((telegraph, telephone, radio and cable messages))~~ communications services (telephone and teletype-writer exchange services) 26 U.S.C.A. Sec. 4251;
- Tax on transportation of persons 26 U.S.C.A. Sec. 4261;
- Tax on transportation of property 26 U.S.C.A. Sec. 4271;

STATE—

- Aviation fuel tax collected from buyers by a distributor as defined by RCW 82.42.010 chapter 82.42 RCW;
- Leasehold excise tax collected from lessees chapter 82.29A RCW;
- Oil spill response tax collected from taxpayers by marine terminal operators chapter 82.23B RCW;
- Retail sales tax collected from buyers chapter 82.08 RCW;
- Solid waste collection tax collected from buyers chapter 82.18 RCW;
- State enhanced 911 tax collected from subscribers chapter 82.14B RCW;
- Use tax collected from buyers chapter 82.12 RCW;

PERMANENT

MUNICIPAL—

- City admission tax RCW 35.21.280;
- County admissions and recre-
ations tax chapter 36.38 RCW;
- County enhanced 911 tax col-
lected from subscribers chapter 82.14B RCW;
- Local retail sales and use taxes
collected from buyers chapter 82.14 RCW.

(5) **Specific taxes which are not deductible.** Examples of specific taxes which may be neither deducted nor excluded from the measure of the tax include the following:

FEDERAL—

- A.A.A. compensating tax 7 U.S.C.A. Sec. 615(e);
- A.A.A. processing tax 7 U.S.C.A. Sec. 609; 26 U.S.C.A. Sec. ((4164)) 4091;
- Aviation fuel 26 U.S.C.A. chapter 51;
- Distilled spirits, wine and beer taxes 26 U.S.C.A. Sec. 4041;
- Diesel and special motor fuel tax for fuel used for purposes other than motor vehicles and motor-boats 26 U.S.C.A. chapters 21-25; ((6)) 26 U.S.C.A. chapter 11;
- Employment taxes 26 U.S.C.A. Sec. 4181;
- Estate taxes 26 U.S.C.A. chapter 12;
- Firearms, shells and cartridges ((6)) 26 U.S.C.A. Sec. 5801;
- Gift taxes 26 U.S.C.A. Subtitle A;
- Importers, manufacturers and dealers in firearms 26 U.S.C.A. Sec. 4371;
- Income taxes 6 U.S.C.A. chapter 51;
- Insurance policies issued by foreign insurers 26 U.S.C.A. Sec. 5811;
- ~~(Liquor taxes 26 U.S.C.A. Sec. 4161;~~
- Sale and transfer of firearms tax 26 U.S.C.A. Sec. 4611;
- Sporting goods 26 U.S.C.A. Sec. 4071;
- Superfund tax 26 U.S.C.A. Sec. 4071;
- Tires 26 U.S.C.A. Sec. 4071;

- Tobacco excise taxes 26 U.S.C.A. chapter 52;
- Wagering taxes 26 U.S.C.A. chapter 35;

STATE ((AND MUNICIPAL))—

- Ad valorem property taxes Title 84 RCW;
 - Alcoholic beverages licenses and stamp taxes (Breweries, distillers, distributors and wineries) chapter 66.24 RCW;
 - Aviation fuel tax when not collected as agent for the state chapter 82.42 RCW;
 - Boxing, sparring and wrestling tax chapter 67.08 RCW;
 - Business and occupation tax chapter 82.04 RCW;
 - Cigarette tax chapter 82.24 RCW;
 - Gift and inheritance taxes Title 83 RCW;
 - Insurance premiums tax chapter 48.14 RCW;
 - ~~(Municipal utility taxes chapter 54.18 RCW;))~~
 - Hazardous substance tax chapter 82.21 RCW;
 - Litter tax chapter 82.19 RCW;
 - Pollution liability insurance fee RCW 70.149.080;
 - Parimutuel tax RCW 67.16.100;
 - Petroleum products - underground storage tank tax chapter 82.23A RCW;
 - Public utility tax chapter 82.16 RCW;
 - Real estate excise tax chapter 82.45 RCW;
 - Tobacco products tax chapter 82.26 RCW;
 - Use tax when not collected as agent for state chapter 82.12 RCW;
- MUNICIPAL—
- Local use tax when not collected as agent for cities or counties chapter 82.14 RCW;
 - Municipal utility taxes chapter 54.28 RCW;
 - Municipal and county real estate excise taxes chapter 82.46 RCW.

WSR 00-16-016
PERMANENT RULES
DEPARTMENT OF REVENUE
[Filed July 21, 2000, 2:32 p.m.]

Date of Adoption: July 21, 2000.

Purpose: This rule explains the administrative collection remedies and procedures available to the Department of Revenue to collect unpaid and overdue tax liabilities. It discusses tax liens and their effects. The rule also explains the personal liability of persons in control of collected but unpaid sales tax. The revisions being adopted incorporate the statutory

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changes reflected in section 2, chapter 318, Laws of 1995, clarify how a warrant is executed, and explain lien priorities as they apply to public improvement contracts.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-217 Lien for taxes.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 00-12-038 on May 31, 2000.

Changes Other than Editing from Proposed to Adopted Version: The phrase "tangible personal property" in the third sentence of subsection (2) of the proposed rule has been changed to "personal property." This sentence now reads "A copy of the warrant may be filed in any county in this state in which the department believes the taxpayer has real and/or personal property." The change was made to reflect the statutory language of RCW 82.32.210(4).

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.

July 21, 2000

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending Order 87-9, filed 12/15/87)

WAC 458-20-217 Lien for taxes. (1) ~~((Any tax due and unpaid, and all increases and penalties thereon, constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt, which remedy is in addition to any and all other remedies.~~

(2) ~~**Tax warrants.** When a warrant issued under RCW 82.32.210 and 82.32.220 has been filed with the clerk of the superior court and entered in the judgment docket, the warrant becomes a specific lien upon all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer, including property owned by third persons who have a beneficial interest, direct or indirect in the operation thereof, and no sale or transfer of such personal property in any way affects the lien. However, the lien is not superior to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than~~

~~securing the payment of a debt or the receiving of a regular rental on equipment; provided that "bona fide interest of third persons" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction.~~

~~(a) Thus, where an oil company leases a filling station and other equipment to an operator under conditions whereby the operator is required to sell, or does sell, the products of the lessor, the lien will attach to the personal property leased by the oil company. Likewise, where the owner of a tavern grants to another a concession to operate the lunch counter therein, the lien for unpaid taxes, increases, and penalties with respect to the operation of the lunch counter will attach to any equipment, fixtures, or other personal property owned by the tavern keeper but used by the concessionaire in the conduct of the business. Similarly, the lien attaches to a stock of merchandise supplied to a dealer by a distributor, manufacturer, bank or finance company whether on consignment or under a security agreement where it appears that the distributor, manufacturer, bank or finance company has financed the dealer by means of capital loans or has in any other way aided or assisted in maintaining the dealer in business. The amount of the warrant also becomes a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued and is the same as a judgment in a civil case docketed in the office of the clerk.~~

~~(b) Warrants so docketed are sufficient to support the issuance of writs of garnishment in favor of the state, provided the taxpayer has not been denied an opportunity to be heard regarding the assessment.~~

(3) ~~**Withhold and deliver.** The department of revenue is authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when there is reason to believe that there is in the possession of such person, political subdivision or department, property which is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed. The notice and order to withhold and deliver shall constitute a continuing levy on such property until the department shall issue its release of such levy.~~

~~(a) The notice and order to withhold and deliver may be served by the sheriff of the county wherein service is made, or by his deputy, or by any authorized representative of the department of revenue. The notice and order to withhold and deliver may also be served by certified mail, return receipt requested, by the sheriff, deputy, or authorized representative of the department. Persons upon whom service has been made are required to answer the notice within twenty days exclusive of the day of service. The answer must be under oath and in writing. If such answer states that it cannot be presently ascertained whether, in fact, any property is or shall become due, owing, or belonging to such taxpayer, the persons served herein are required to further answer when such fact can be ascertained with reasonable certainty.~~

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(b) Property which may be subject to the claim of the department must be delivered forthwith to the department or its duly authorized representative upon demand, to be held in trust by the department for application on the indebtedness involved, or for return, without interest, in accordance with final determination of liability. In the alternative, there must be furnished a good and sufficient bond satisfactory to the department conditioned upon final determination of liability.

(c) Failure of any person to make answer to an order to withhold and deliver within the prescribed time permits the court to render a judgment by default for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

(4) **Probate, insolvency, assignment for the benefit of creditors, or bankruptcy.** In all of these cases the claim of the state for unpaid taxes and increases and penalties thereon is a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions is sufficient to create the lien without any prior or subsequent action by the state, and in all such cases it is the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the department of the existence thereof within thirty days from the date of their appointment and qualification. In the event such notice is not timely given, such persons become personally liable for the payment of the taxes and all increases and penalties.

The lien attaches as of the date of assignment or of the initiation of court proceedings, but shall not affect the validity or priority of any earlier lien that may have attached previously in favor of the state under any other provision of the Revenue Act.

(5) **Public improvement contracts.** The amount of all taxes, increases and penalties due or to become due under any chapter of the Revenue Act from a contractor or his successors or assignees with respect to a public improvement contract wherein the contract price is \$20,000 or more is a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officers, and the amount of all other taxes, increases and penalties due and owing from the contractor is a lien upon the balance of such retained percentage after all other statutory lien claims have been paid.

Any state, county or municipal officer charged with the duty of disbursing or authorizing the payment of public funds, before making final payment of the retained percentage to any person performing any such contract, or to his successors or assignees, must require the person to secure from the department a certificate that all taxes, increases and penalties due from such person, and all taxes to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the lien and that said lien is therefore released.

(6) **Trust fund accountability for retail sales tax.**

(a) **Background:** This rule is promulgated pursuant to RCW 82.32.300 which directs that the department of revenue has the authority to implement the provisions of RCW 82.32.237, effective May 1, 1987.

(b) **Generally:** This rule implements legislation which is intended to enforce the timely remittance of retail sales tax to

the department of revenue. The statute accomplishes that intent by imposing personal liability for retail sales tax collected by the retail seller upon those persons who (i) control or supervise the collection of retail sales tax and hold the same in trust pursuant to RCW 82.08.050 or (ii) are charged with the responsibility for the filing of returns or the payment to the state of retail sales tax held in trust.

(c) **Definitions:**

(i) **Person:** Person means "person" as defined in RCW 82.04.030. The use of the term person in the singular may mean persons or vice versa where appropriate in the circumstances or where the content requires the same.

(ii) **Collected:** The term "collected" shall mean actually and physically controlled. A corporation shall be deemed to have actual and physical control if possession shall be in an agent of the corporation.

(iii) **Termination:** The term "termination" means revocation of the corporation's certificate of registration, the first act of liquidation or distribution of corporate assets with the intent to cease any further business activity after liquidation or distribution, the filing of a petition in bankruptcy court for complete liquidation or any other act evidencing the intent to quit business or close business activity.

(iv) **Abandonment:** The term "abandonment" means the officers, directors, and shareholders have relinquished all dominion and control of the corporate affairs and there is no one who acknowledges authority to act for or on behalf of the corporation.

(v) **Dissolution:** The term "dissolution" means statutory dissolution pursuant to chapter 23A.28 RCW.

(d) **Requirements for assessment:** Before the department may assess trust fund accountability for retail sales tax held in trust, the statute requires that the underlying retail sales tax liability be that of a corporation. Second, there must also be a termination, dissolution or abandonment of the corporation. Third, the person against whom personal liability is sought willfully failed to pay or to cause to be paid retail sales tax collected and held in trust. Fourth, the person against whom personal liability is sought is a person who has control or supervision over the trust funds or is responsible for reporting or remitting the retail sales tax. Finally, there must be no reasonable means to collect the tax directly from the corporation.

(e) **Persons liable:** Any person who controls or supervises the collection of retail sales tax or is charged with the responsibility for the filing of returns or the payment of retail sales tax collected and held in trust, may be personally liable to the state for the retail sales tax which was collected, held in trust, pursuant to RCW 82.08.050 and not paid over to the state. There may be more than one person liable under this statute if the requirements as to each are present.

(i) "Control or supervision of the collection of retail sales tax" shall mean the person who has the power and responsibility under corporate bylaws, job description or other proper delegation of authority (as established by written documentation or through a course of conduct) to collect, account and deposit the corporate revenue and to make payment of the retail sales tax to the department of revenue. The term means significant rather than exclusive control or supervision. Thus,

the term shall not mean the sales clerk who actually collects the funds from the customer or the person whose only responsibility is to take control of the funds and deposit the same into the bank, but it shall include the treasurer of the corporation if it is that person's responsibility to assure that the revenue is collected from the cash registers, tills or similar collection devices and that the amounts are deposited into the corporate account. It may also include the bookkeeper if the bookkeeper has the responsibility to collect, account and deposit the corporate revenue. In both examples, it is the treasurer or bookkeeper who have the significant control or supervision:

(i) "Responsibility for the filing of returns or the payment of the retail sales tax collected and held in trust" shall mean the person who has the authority and discretion to file state excise tax returns and to determine which corporate debts should be paid. The person who signs the state excise tax returns or signs checks on behalf of or for the corporation may be a responsible party if that person also has the authority and discretion to determine which corporate debts should be paid. If the corporate account requires the signature of more than one person, then all such signatories may be a responsible party for trust fund accountability purposes. A member of the board of directors, a shareholder or an officer may also become a responsible party if the director, shareholder or officer actually approves the payment of corporate debts whereby the result of such approval is to pay the trust funds to someone other than the department of revenue.

(f) **Extent of personal liability:** If a person is found personally liable for the retail sales tax held in trust, such person shall be liable for any retail sales tax held in trust including interest and penalties which have accrued or may be accruing on such taxes. The liability of such person shall be limited to only the retail sales tax held in trust (and the interest and penalties accruing thereon) for the time that the person had control or supervision over the retail sales tax collected or had responsibility for the filing of returns or the payment to the state of the retail sales tax held in trust.

(i) The amount of liability assessable against a person for trust fund accountability shall be the amount of the retail sales tax actually collected and held in trust (during the period for which personal liability is sought) plus any penalties and interest accruing on said amount. For corporations who report state excise taxes on the accrual basis or corporations who report retail sales tax in accordance with "method three" of WAC 458-20-199, the amount of the personal liability shall be reduced by payments of retail sales tax actually remitted to the state but not yet collected from the customer.

(ii) If the department has determined that there is no reasonable means of collection of the tax directly from the corporation and the corporation holds property which has a readily ascertainable value, then the department shall reduce the amount of assessable personal liability by an amount that represents the fair market value of such corporate property. The fair market value determined by the department shall be rebuttable by a preponderance of the evidence through persons who are competent and otherwise qualified to give testimony as to value. The term "fair market value" shall have its

usual and customary meaning less reasonable costs of liquidation, if applicable.

(g) ~~Willfully fails to pay or to cause to be paid:~~ The statute defines the term "willfully fails to pay or to cause to be paid" as an intentional, conscious and voluntary course of action. The failure to pay over such tax must be the result of a willful failure to pay or to cause to be paid to the state any retail sales tax ~~collected~~ on retail sales by the corporation as opposed to retail sales tax due on the corporation's consumable items.

For example, if the treasurer knows that the retail sales tax must be remitted to the state on the twenty-fifth day of the following month, but rather than holding the funds for payment on the twenty-fifth, uses such funds to pay for any other obligation such as the payroll or additional inventory, such act is an intentional, conscious and voluntary course of action. If there are insufficient funds on the twenty-fifth day of the following month to pay over to the state, the treasurer will have willfully failed to pay or to cause to be paid retail sales tax held in trust.

(h) ~~Circumstances beyond the control:~~ Any person, who shall otherwise meet the requirements for personal liability, shall not be personally liable if the failure to pay or to cause to be paid is the result of circumstances beyond the control of such person and that person has exercised good faith in collecting and attempting to hold the funds in trust. The following examples are provided for illustrative purposes only and they do not, in any way, limit the scope of the circumstances which may be beyond the control of the person against whom liability is sought. Each case will be determined in accordance with its particular facts and circumstances:

(i) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the Internal Revenue Service levies and seizes the money. Such occurrence is beyond the control of the person against whom personal liability is sought.

(ii) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the person learns that the business is the victim of an embezzler, the criminal act of which has been reported and duly documented by the local law enforcement authority. Such occurrence is beyond the control of the person against whom personal liability is sought.

(iii) Immediately prior to timely payment of the retail sales tax, unknown to the person against whom personal liability is sought, the bank in which the retail sales tax has been deposited exercises a right of offset and removes the money from the taxpayer's control. Such occurrence is beyond the control of the person against whom personal liability is sought.

(iv) Prior to the date for timely payment of the retail sales tax, the person against whom personal liability is sought agrees to a judgment against the corporation and allows the judgment creditor to garnish the funds held in trust and become a preferred creditor over the state. Such occurrence lacks good faith and is not beyond the control of the person against whom personal liability is sought.

~~(i) **No reasonable means of collection.** Before the department is authorized to pursue personal liability for retail sales tax under the trust fund theory, the department must find that there is no reasonable means of collecting the retail sales tax directly from the corporation.~~

~~"No reasonable means of collection" shall mean that the burden to pursue the corporation's assets may outweigh the benefits to be achieved. Inconvenience of collection alone is insufficient to establish the absence of a reasonable means of collection. This standard, however, does not require that the department liquidate all assets of the corporation before it can pursue recourse under the theory of trust fund accountability. A lack of a reasonable means of collection is illustrated by the following examples. (These examples are used for illustration only and they shall not be considered the only circumstances under which the meaning of the phrase shall apply.)~~

~~(i) Assume that the corporation owned real estate upon which there were first and second mortgages. The value of the property may satisfy the first and second lien holders, but it is doubtful that, after costs of sale, there would be sufficient value remaining to satisfy all or a part of the trust fund liability. A reasonable means of collection is not present, because the cost to pursue the corporation's real property may produce no value with which to satisfy any or all of the liability.~~

~~(ii) Assume that the corporation owned miscellaneous office furniture and equipment. The value of the property is negligible. A reasonable means of collecting the tax is not present, because the burden to liquidate all assets in order to recover a negligible value outweighs the benefit of a few dollars to be recovered.~~

~~(j) **Notice of personal liability.** The department shall give the person against whom personal liability is sought notice in accordance with RCW 82.32.130. The notice shall include the taxpayer's name as well as registration, tax assessment and tax warrant numbers, if any, of the corporation; the name of the person against whom the personal liability is sought; a statement that there is no reasonable means of collection and the reasons for such conclusion; and the capacity (control/supervision or responsible person) upon which the department seeks to base the personal liability.~~

~~(k) **Appeal of trust fund accountability assessment.** Any person who has received an assessment under the authority of RCW 82.32.237, and this section shall have the right to proceed under WAC 458-20-100 and any other remedy found in RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.) **Introduction.** This rule provides an overview of the administrative collection remedies and procedures available to the department of revenue (department) to collect unpaid and overdue tax liabilities. It discusses tax liens and the liens that apply to probate, insolvency, assignments for the benefit of creditors, bankruptcy and public improvement contracts. The rule also explains the personal liability of persons in control of collected but unpaid sales tax. Although the department may use judicial remedies to collect unpaid tax, most of the department's collection actions are enforced through the administrative collection remedies discussed in this rule.~~

~~(2) **Tax liens.** The department is not required to obtain a judgment in court to have a tax lien. A tax lien is created~~

when a warrant issued under RCW 82.32.210 is filed with a superior court clerk who enters it into the judgment docket. A copy of the warrant may be filed in any county in this state in which the department believes the taxpayer has real and/or personal property. The department is not required to give a taxpayer notice prior to filing a tax warrant. *Peters v Sjolholm*, 95 Wn.2d 871, 877, 631 P.2d 937 (1981) *appeal dismissed, cert. denied* 455 U.S. 914 (1982). The tax lien is an encumbrance on property. The department may enforce a tax lien by administrative levy, seizure or through judicial collection remedies.

(a) **Attachment of lien.** The filed warrant becomes a specific lien upon all personal property used in the conduct of the business and a general lien against all other real and personal property owned by the taxpayer against whom the warrant was issued.

(i) The specific lien attaches to all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer. Other personal property includes both tangible and intangible property. For example, the specific lien attaches to business assets such as accounts receivable, chattel paper, royalties, licenses and franchises. The specific lien also attaches to property used in the business which is owned by persons other than the taxpayer who have a beneficial interest, direct or indirect, in the operation of the business. (See subsection (3) below for what constitutes a beneficial interest.) The lien is perfected on the date it is filed with the superior court clerk. The lien does not attach to property used in the business that was transferred prior to the filing of the warrant. It does attach to all property existing at the time the warrant is filed as well as property acquired after the filing of the warrant. No sale or transfer of such personal property affects the lien.

(ii) The general lien attaches to all real and personal non-business property such as the taxpayer's home and non-exempt personal vehicles.

(b) **Lien priorities.** The department does not need to levy or seize property to perfect its lien. The lien is perfected when the warrant is filed. The tax lien is superior to liens that vest after the warrant is filed.

(i) The lien for taxes is superior to bona fide interests of third persons that vested prior to the filing of the warrant if such persons have a beneficial interest in the business.

(ii) The lien for taxes is also superior to any interest of third persons that vested prior to the warrant if the interest is a mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant.

(iii) In most cases, to have a vested or perfected security interest in personal property, the secured party must file a UCC financing statement indicating its security interest. RCW 62A.9-301. See RCW 62A.9-302 for the exceptions to this general rule. The financing statement must be filed prior to the filing of the tax warrant for the lien to be superior to the department's lien.

(c) **Period of lien.** A filed tax warrant creates a lien that is enforceable for the same period as a judgment in a civil case that is docketed with the clerk of the superior court.

RCW 82.32.210(4). A judgment lien expires ten years from the date of filing. RCW 4.56.310. The department may extend the lien for an additional ten years by filing a petition for an order extending the judgment with the clerk of the superior court. The petition must be filed within ninety days of the expiration of the original ten-year period. RCW 6.17.020.

(3) Persons who have a beneficial interest in a business. A third party who receives part of the profit, a benefit, or an advantage resulting from a contract or lease with the business has a beneficial interest in the operation of the business. A party whose only interest in the business is securing the payment of debt or receiving regular rental payments on equipment does not have a beneficial interest. Also, the mere loaning of money by a financial institution to a business and securing that debt with a UCC filing does not constitute a beneficial interest in the business. Rather, a party who owns property used by a delinquent taxpayer must also have a beneficial interest in the operation of that business before the lien will attach to the party's property. The definition of the term "beneficial interest" for purposes of determining lien priorities is not the same as the definition used for tax free transfers described in WAC 458-20-106.

(a) Third party. A third party is simply a party other than the taxpayer. For example, if the taxpayer is a corporation, an officer or shareholder of that corporation is a "third party" with a beneficial interest in the operation of the business. If the corporate insider has a security interest in property used by the business, the tax lien will be superior even if the corporate insider's lien was filed before the department's lien.

(b) Beneficial interest of lessor. In some cases a lessor or franchisor will have a beneficial interest in the leased or franchised business. For example, an oil company that leases a gas station and other equipment to an operator and requires the operator to sell its products is a third party with a beneficial interest in the business. Factors which support a finding of a beneficial interest in a business include the following:

(i) The business operator is required to pay the lessor or franchisor a percentage of gross receipts as rent;

(ii) The lessor or franchisor requires the business operator to use its trade name and restricts the type of business that may be operated on the premises;

(iii) The lease places restrictions on advertising and hours of operation; and/or

(iv) The lease requires the operator to sell the lessor's products.

(c) A third party who has a beneficial interest in a business with a filed lien is not personally liable for the amounts owing. Instead, the amount of tax, interest and penalties as reflected in the warrant becomes a specific lien upon the third party's property that is used in the business.

(4) Notice and order to withhold and deliver. A tax lien is sufficient to support the issuance of a writ of garnishment authorized by chapter 6.27 RCW. RCW 82.32.210(4). A tax lien also allows the department to issue a notice and order to withhold and deliver. A notice and order to withhold and deliver (order) is an administrative garnishment used by the department to obtain property of a taxpayer from a third

party such as a bank or employer. See RCW 82.32.235. The department may issue an order when it has reason to believe that a party is in the possession of property that is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed.

(a) Service of order. The department may serve an order to withhold and deliver to any person, or to any political subdivision or department of the state. The order may be served by the sheriff or deputy sheriff of the county where service is made, by any authorized representative of the department, or by certified mail.

(b) Requirement to answer order. A person upon whom service has been made is required to answer the order in writing within twenty days of service of the order. The date of mailing or date of personal service is not included when calculating the due date of the answer. All answers must be true and made under oath. If an answer states that it cannot presently be ascertained whether any property is or shall become due, owing, or belonging to such taxpayer, the person served must answer when such fact can be ascertained. RCW 82.32.235.

(i) If the person served with an order possesses property of the taxpayer subject to the claim of the department, the party must deliver the property to the department or its duly authorized representative upon demand. If the indebtedness involved has not been finally determined, the department will hold the property in trust to apply to the indebtedness involved or for return without interest in accordance with the final determination of liability or nonliability. In the alternative, the department must be furnished a satisfactory bond conditioned upon final determination of liability. RCW 82.32.235.

(ii) If the party upon whom service has been made fails to answer an order to withhold and deliver within the time prescribed, the court may enter a default judgment against the party for the full amount claimed owing in the order plus costs. RCW 82.32.235.

(c) Continuing levy. A notice and order to withhold and deliver constitutes a continuing levy until released by the department. RCW 82.32.237.

(d) Assets that may be attached. Both tangible assets, as a vehicle, and intangible assets may be attached. Examples of intangible assets that may be attached by an order to withhold and deliver include, but are not limited to, checking or savings accounts; accounts receivable; refunds or deposits; contract payments; wages and commissions, including bonuses; liquor license deposits; rental income; dealer reserve accounts held by service stations or auto dealers; and funds held in escrow pending sale of a business. Certain insurance proceeds are subject to attachment such as the cash surrender value of a policy. The department may attach funds in a joint account that are owned by the delinquent taxpayer. Funds in a joint account with the right of survivorship are owned by the depositors in proportion to the amount deposited by each. RCW 30.22.090. The joint tenants have the burden to prove the separate ownership.

(e) Assets exempt from attachment. Examples of assets which are not attachable include Social Security, rail-

road retirement, welfare, and unemployment benefits payable by the federal or state government.

(5) Levy upon real and/or personal property. The department may issue an order of execution, pursuant to a filed warrant, directing the sheriff of the county in which the warrant was filed to levy upon and sell the real and/or personal property of the taxpayer in that county. RCW 82.32-.220. If the department has reason to believe that a taxpayer has personal property in the taxpayer's possession that is not otherwise exempt from process or execution, the department may obtain a warrant to search for and seize the property. A search warrant is obtained from a superior or district court judge in the county in which the property is located. See RCW 82.32.245.

(6) Probate, insolvency, assignment for the benefit of creditors or bankruptcy. In all of these cases or conditions, the claim of the state for unpaid taxes and increases and penalties thereon, is a lien upon all real and personal property of the taxpayer. RCW 82.32.240. All administrators, executors, guardians, receivers, trustees in bankruptcy, or assignees for the benefit of creditors are required to notify the department of such administration, receivership, or assignment within sixty days from the date of their appointment and qualification. In cases of insolvency, this includes the duty of the person who is winding down the business to notify the department.

(a) The state does not have to take any action to perfect its lien. The lien attaches the date of the assignment for the benefit of creditors or of the initiation of the probate or bankruptcy. In cases of insolvency, the lien attaches at the time the business becomes insolvent. The lien, however, does not affect the validity or priority of any earlier lien that may have attached in favor of the state under any other provision of the Revenue Act.

(b) Any administrator, executor, guardian, receiver, or assignee for the benefit of creditors who does not notify the department as provided above is personally liable for payment of the taxes and all increases and penalties thereon. The personal liability is limited to the value of the property subject to administration that otherwise would have been available to pay the unpaid liability.

(c) In probate cases in which a surviving spouse is separately liable for unpaid taxes and increases and penalties thereon, the department does not need to file a probate claim to protect the state's interest against the surviving spouse. The department may collect from the surviving spouse's separate property and any assets formerly community property which become the surviving spouse's property. If the deceased spouse and/or the community also was liable for the tax debt, the claim also could be asserted in the administration of the deceased spouse's estate.

(7) Lien on retained percentage of public improvement contracts. Every public entity engaging a contractor under a public improvement project of twenty thousand dollars or more, shall retain five percent of the total contract price, including all change orders, modifications, etc. This retainage is a trust fund held for the benefit of the department and other statutory claimants. In lieu of contract retainage, the public entity may require a bond. All taxes, increases,

and penalties due or to become due under Title 82 RCW from a contractor or the contractor's successors or assignees with respect to a public improvement contract of twenty thousand dollars or more shall be a lien upon the amount of the retained percentage withheld by the disbursing officer under such contract. RCW 60.28.040.

(a) Priorities. The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under the public improvement contract have a first priority lien against the bond or retainage. The department's lien for taxes, increases, and penalties due or to become due under such contract is prior to all other liens. The amount of all other taxes, increases and penalties due from the contractor is a lien upon the balance of the retained percentage after all other statutory lien claims have been paid. RCW 60.28.040.

(b) Release of funds. Upon final acceptance by the public entity or completion of the contract, the disbursing officer shall contact the department for its consent to release the funds. The officer cannot make any payment from the retained percentage until the department has certified that all taxes, increases, and penalties due have been paid or are readily collectible without recourse to the state's lien on the retained percentage. RCW 60.28.050 and 60.28.051.

(8) Personal liability for unpaid trust funds. The retail sales tax is to be held in trust. RCW 82.08.050. As a trust fund, the retail sales tax is not to be used to pay other corporate or personal debts. RCW 82.32.145 imposes personal liability on any responsible person who willfully fails to pay or cause to be paid any collected but unpaid retail sales tax. Collection authority and procedures prescribed in chapter 82.32 RCW apply to the collection of trust fund liability assessments.

(a) Responsible person. A responsible person is any officer, member, manager, or other person having control or supervision of retail sales tax funds collected and held in trust or who has the responsibility for filing returns or paying the collected retail sales tax.

(i) A responsible person may have "control and supervision" of collected retail sales tax or the responsibility to report the tax under corporate bylaws, job description, or other proper delegation of authority. The delegation of authority may be established by written documentation or by conduct.

(ii) A responsible person must have significant but not necessarily exclusive control or supervision of the trust funds. Neither a sales clerk who only collects the tax from the customer nor an employee who only deposits the funds in the bank has significant supervision or control of the retail sales tax. An employee who has the responsibility to collect, account for, and deposit trust funds does have significant supervision or control of the tax.

(iii) A person is not required to be a corporate officer or have a proprietary interest in the business to be a responsible person.

(iv) A member of the board of directors, a shareholder, or an officer may have trust fund liability if that person has the authority and discretion to determine which corporate

debts should be paid and approves the payment of corporate debts out of the collected retail sales trust funds.

(v) More than one person may have personal liability for the trust funds if the requirements for liability are present for each person.

(b) Requirements for liability. In order for a responsible person to be held personally liable for collected and unpaid retail sales tax:

(i) The tax must be the liability of a corporate or limited liability business;

(ii) The corporation must be terminated, dissolved, or abandoned;

(iii) The failure to pay must be willful; and

(iv) The department must not have a reasonable means of collecting the tax from the corporation.

(c) Willful failure to pay. A willful failure to pay means that the failure was an intentional, conscious, and voluntary course of action. An intent to defraud or a bad motive is not required. For example, using collected retail sales tax to pay other corporate obligations is a willful failure to pay the trust funds to the state.

(i) A responsible person depositing retail sales tax funds in a bank account knowing that the bank might use the funds to off-set amounts owing to it is engaging in a voluntary course of action. It is a willful failure to pay if the bank does exercise its right of set off which results in insufficient funds to pay the corporate retail sales tax that was collected and deposited in the account. To avoid personal liability in such a case, the responsible party can set aside the collected retail sales tax and not commingle it with other funds that are subject to attachment or set off.

(ii) If the failure to pay the trust funds to the state was due to reasons beyond that person's control, the failure to pay is not willful. For example, if the person responsible for remitting the tax provides evidence that the trust funds were unknowingly stolen or embezzled by another employee, the failure to pay is not considered willful. To find that a failure to pay the trust funds to the state was due to reasons beyond that person's control, the facts must show both that the circumstances caused the failure to pay the tax and that the circumstances were beyond the person's control.

(iii) If a responsible person instructs an employee or hires a third party to remit the collected sales tax, the responsible person is not relieved of personal liability for the tax if the tax is not paid.

(d) Extent of liability. Trust fund liability includes the collected but unpaid retail sales tax as well as the interest and penalties due on the tax.

(i) An individual is only liable for trust funds collected during the period he or she had the requisite control, supervision, responsibility, or duty to remit the tax, plus interest and penalties on those taxes. RCW 82.32.145(2).

(ii) Any retail sales taxes that were paid to the department but not collected may be deducted from the retail sales taxes collected but not paid.

(e) No reasonable means of collection. The department has "no reasonable means of collection" if the costs of collection would be more than the amount that could be collected; if the amount that might be recovered through a levy, foreclo-

sure or other collection action would be negligible; or if the only means of collection is against a successor corporation.

(f) Appeal of personal liability assessment. Persons who receive a notice of a personal liability assessment under RCW 82.32.145 are encouraged to contact the department's local field office that issued the assessment and request a supervisory conference if they dispute the assessment. If they are unable to reach agreement, any person who receives a personal liability assessment is entitled to the administrative and judicial appeal procedures provided by Title 32 RCW. RCW 82.32.145(4).

WSR 00-16-031

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed July 24, 2000, 3:45 p.m.]

Date of Adoption: July 24, 2000.

Purpose: Medical Assistance Administration is establishing new chapters in WAC in order to concentrate the bulk of its rules in one area of Title 388 WAC. Chiropractic services policy is being moved into new WAC 388-556-0200 and existing WAC 388-86-019 and 388-87-019 are being repealed. The proposed rule has been rewritten to meet the clear writing standards in the Governor's Executive Order 97-02.

Citation of Existing Rules Affected by this Order:
Repealing WAC 388-86-019 and 388-87-019.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.035.

Adopted under notice filed as WSR 00-11-138 on May 23, 2000.

Changes Other than Editing from Proposed to Adopted Version: The restrictions about the type and number of x-rays allowed for children have been eliminated, and conditions have been added that limit chiropractic services to those that are safe, effective, and not experimental.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, 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 1, Amended 0, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.
July 24, 2000
Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-556 WAC

MEDICAL CARE—OTHER SERVICES PROVIDED

NEW SECTION

WAC 388-556-0200 Chiropractic services for children. (1) MAA will pay only for chiropractic services:
(a) For MAA clients who are:
(i) Under twenty-one years of age; and
(ii) Referred by a screening provider under the healthy kids/early and periodic screening, diagnosis, and treatment (EPSDT) program.
(b) That are:
(i) Medically necessary, safe, effective, and not experimental;
(ii) Provided by a chiropractor licensed in the state where services are provided; and
(iii) Within the scope of the chiropractor's license.
(c) Limited to:
(i) Chiropractic manipulative treatments of the spine; and
(ii) X-rays of the spine.
(2) Chiropractic services are paid according to fees established by MAA using methodology set forth in WAC 388-531-1850.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--------------------------------|
| WAC 388-86-019 | Chiropractic services. |
| WAC 388-87-019 | Payment—Chiropractic services. |

WSR 00-16-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Juvenile Rehabilitation Administration)
[Filed July 24, 2000, 3:49 p.m.]

Date of Adoption: July 24, 2000.

Purpose: This rule prescribes minimum standards for the consolidated juvenile services programs. The rule is being migrated to chapter 388-710 WAC from chapter 275-35 WAC.

Citation of Existing Rules Affected by this Order:
Repealing WAC 275-35-010, 275-35-020, 275-35-030, 275-35-040, 275-35-050, 275-35-060, 275-35-070, 275-35-080, and 275-35-100.

Statutory Authority for Adoption: RCW 13.06.030.
Adopted under notice filed as WSR 00-12-103 on June 7, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, Amended 0, Repealed 9.

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 8, Amended 0, Repealed 9.

Effective Date of Rule: Thirty-one days after filing.
July 24, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-710 WAC

CONSOLIDATED JUVENILE SERVICES PROGRAMS

NEW SECTION

WAC 388-710-0005 Definitions. "Administration" means activities and costs necessary for management and support of a consolidated juvenile services program.

"Application" means the document requesting state funds for specific projects under the consolidated juvenile services program.

"Community input" means information received from local entities which must include, unless impracticable: Providers, judges, law enforcement, juvenile court staff, social service agencies, schools, tribes, organizations representing communities of color, as well as other persons with an interest in juvenile justice. An existing advisory group, committee, or public forum may be used to gather input provided such groups include representation from the entities listed above.

"Director" means the director of the division of community programs/juvenile rehabilitation administration or his or her designee.

"Division" means the division of community programs of the juvenile rehabilitation administration.

"Outcome" means specific changes in the lives of youth and families which lead to a decrease in recidivism.

"Participating county" means a county or counties applying under this chapter.

"Program administrator" or "administrator" means the person designated to administer the consolidated juvenile services program in the juvenile court.

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"Project" means a specific intervention or program performed as a part of consolidated juvenile services.

"Project supervisor" or **"supervisor"** means a person designated to supervise a project or projects in the consolidated juvenile services program.

"Regional administrator" means the regional administrator of one of the division's six administrative regions, or his or her designee.

NEW SECTION

WAC 388-710-0010 Establishment of a consolidated juvenile services program. (1) Request to participate.

A request by a county or group of counties to participate under this chapter must include a signed resolution or letter of intent submitted to the regional administrator by the executive body expressing intent to participate. The request must include a statement that consolidated juvenile services funds will not be used to replace county funds for existing programs. For those counties with juvenile detention facilities, the counties must include a statement indicating standards of operation as outlined under RCW 13.06.050 are in place.

(2) Program planning process and approval.

(a) Each participating county must develop a program application for the delivery of services and must agree to comply with the provisions of this chapter.

(b) The application must incorporate community input and respond to community comments, which must include but not be limited to:

(i) Efforts to identify and utilize existing community services;

(ii) Appropriate linkage to and support from other elements of the existing juvenile justice, education, and social service systems to reduce or eliminate barriers to effective family centered service delivery;

(iii) Efforts to address racial disproportionality; and

(iv) Efforts to address issues specific to the Americans with Disabilities Act as it relates to client and family service delivery.

(c) Written guidelines and instructions for the application must be provided by the division. The application must be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector resources within regional boundaries and must be submitted to the regional administrator for review and approval.

(d) The division may provide technical assistance in the development of the application.

NEW SECTION

WAC 388-710-0015 General provisions. (1) Access to services and use of existing community resources. Program administrators must ensure all juveniles participating in the program have access to appropriate services, activities, and opportunities.

(2) All juveniles served by projects covered under this chapter must be afforded judicial due process in all contacts, especially those which may result in a more restrictive intervention.

NEW SECTION

WAC 388-710-0020 Organization. The organizational structure of the program is the prerogative of the juvenile court participating under this chapter and must not be dictated by these standards.

NEW SECTION

WAC 388-710-0025 Administration. (1) Administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities and outcomes.

(2) Administrators or supervisors must meet at least annually with the regional administrator to review progress toward the achievement of outcomes.

(3) Case records and management information.

(a) Juvenile offender records must minimally contain a case plan, based upon assessed factors related to risk to reoffend, methods of intervention and a termination/closing report summarizing case activity and outcomes.

(b) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(c) Administrators and/or supervisors must provide necessary statistical data to maintain the division's management information system and must maintain sufficient data to evaluate program effectiveness and outcomes.

(4) Change in project.

(a) Modification of a project requires the advance written approval of the regional administrator.

(b) The administrator must send written notification to the regional administrator prior to the movement of funds between programs. The regional administrator must confirm in writing all notifications received.

(c) Contract amendments must be processed through the juvenile rehabilitation administration regional office and are necessary when:

(i) Total contract budget amounts are increased or decreased;

(ii) A project is added or deleted;

(iii) The total number of full-time employees in the consolidated programs increases from the original contract number.

(5) Each participating county must ensure program staff receive training necessary to implement programs covered under this chapter.

NEW SECTION

WAC 388-710-0030 Monitoring of performance and evaluation of program impact. (1) It is the responsibility of the administrator to submit monthly reports, annual narrative reports, corrective action plans and reports, and other reports as specified in the division's application, budget, and monitoring instructions to the regional administrator.

(2) The regional administrator must submit to the director a biennial report of each program.

(3) The regional administrator, may at any time, request a formal program/project or fiscal audit and may also request other available technical services to assist in monitoring and evaluating the program/projects.

NEW SECTION

WAC 388-710-0035 Distribution of funds and fiscal management. Funding constraints.

(1) Funds for programs covered by this chapter must be utilized for the achievement of the outcomes stated for each project.

(2) Failure on the part of any project to perform in accordance with the provisions of this chapter may result in the termination or reduction of funds.

(3) The administrator is responsible for the management of all fiscal matters related to the program. The program must comply with state and local policies and procedures, the terms and conditions of the contract, and the application, budget, and monitoring instructions as outlined by the juvenile rehabilitation administration.

NEW SECTION

WAC 388-710-0040 Exceptions to rules. The juvenile court may request in writing to the director a waiver of the specific requirements of this chapter when the imposition of such requirements can be shown to be detrimental or impractical to overall program operations. The director must consider each waiver request individually and promptly advise the applicant in writing of the director's decision regarding the waiver and explain the basis for such decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 275-35-010 Authority.
- WAC 275-35-020 Definitions.
- WAC 275-35-030 Establishment of a consolidated juvenile services program.
- WAC 275-35-040 General provisions.
- WAC 275-35-050 Organization.
- WAC 275-35-060 Administration.
- WAC 275-35-070 Monitoring of performance and evaluation of program impact.
- WAC 275-35-080 Distribution of funds and fiscal management.
- WAC 275-35-100 Exceptions to rules.

**WSR 00-16-033
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-124—Filed July 24, 2000, 4:50 p.m.]

Date of Adoption: July 21, 2000.

Purpose: Adopt personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-44-050 and 220-44-080.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

Adopted under notice filed as WSR 00-10-038 on April 25, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 21, 2000

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 98-121, filed 7/7/98, effective 8/7/98)

WAC 220-44-050 Coastal bottomfish catch limits. (1)

It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes (~~shown below for the species indicated. All weights are in round pounds:~~

(1) The following definitions apply to this section:

(a) ~~Cumulative limit. A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels (see (b) of this subsection) a calendar month is the 16th of the month through the 15th of the following month. B-platoon vessels may take the final two cumulative limits during the November 16-December 31 period with no restriction on the amount of the total which can be harvested in either calendar month. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so~~

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long as the fish are not landed until after the beginning of the next cumulative limit.

(b) ~~Two-month cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two fixed calendar month period, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative periods for B-platoon vessels are January 16-March 15, March 16-May 15, May 16-July 15, July 16-September 15, September 16-November 15, and November 16-December 31. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period except for vessels in the B-platoon during November 16-December 31, during which the two-month cumulative limit may be taken with no percentage restriction. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods begins on the 16th of the first month of the B-platoon two-month cumulative period as set out above through the 15th of the following month and the second calendar month begins on the 16th of the second month through the end of the two-month cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.~~

(c) ~~Vessel trip. A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.~~

(d) ~~Vessel trip limit. The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.~~

(e) ~~Daily trip limit. The maximum amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.~~

(f) ~~Groundfish limited entry fishery—Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.~~

(g) ~~Groundfish open access fishery—Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.~~

(h) ~~Dressed length—The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.~~

(2) ~~Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63:~~

(a) ~~Pacific Ocean perch—Two month cumulative limit of 8,000 pounds. No minimum size.~~

(b) ~~Widow rockfish—Two month cumulative limit of 25,000 pounds. No minimum size.~~

(c) ~~Shortbelly rockfish—No maximum poundage. No minimum size.~~

(d) ~~Black rockfish—The vessel trip limit for black rockfish for commercial fishing vessels using hook and line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.~~

(e) ~~*Sebastes complex*—All species of rockfish except Pacific Ocean perch, widow, shortbelly and thornyhead (*Sebastolobus spp.*)—Two month cumulative limit of 40,000 pounds, of which no more than 11,000 pounds may be yellowtail rockfish and no more than 15,000 pounds may be canary rockfish. No minimum size on any species in this category.~~

(f) ~~DTS Complex—(sablefish, dover sole and thornyhead rockfish)—For the January-February two-month cumulative period, two-month cumulative limit of 59,000 pounds, of which not more than 40,000 pounds may be Dover sole; not more than 5,000 pounds may be sablefish for trawl vessels and not more than 1,500 pounds may be sablefish for non-trawl vessels; not more than 10,000 pounds may be longspine thornyhead rockfish, and not more than 4,000 pounds may be shortspine thornyhead. Effective 12:01 a.m., March 1, two-month cumulative limit of 37,000 pounds, of which not more than 18,000 pounds may be Dover sole; not more than 5,000 pounds may be sablefish for trawl vessels and not more than 1,500 pounds may be sablefish for non-trawl vessels; not more than 10,000 pounds may be longspine thornyhead rockfish, and not more than 4,000 pounds may be shortspine thornyhead.~~

(g) ~~Sablefish:~~

(i) ~~Trawl vessels—Not more than 500 pounds of sablefish per trip may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.~~

(ii) ~~Non-trawl vessels—Daily trip limit of 300 pounds not to exceed 1,500 pounds in any single calendar month. The 60 percent restriction does not apply to non-trawl vessel sablefish landings. No minimum size.~~

(h) ~~Pacific whiting—Vessel trip limit of 10,000 pounds. No minimum size.~~

(i) ~~Lingcod—Two month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head-on (gutted only) weight, multiply the dressed weight by 1.1. It is lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.~~

(3) ~~Groundfish open access fishery limits. The following limits apply to the ground fish open access fishery in Coastal Marine Fish Shellfish Management and Catch Reporting~~

Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or exceed fifty percent of a groundfish limited entry fishery two-month cumulative limit:

(a) Sablefish—Daily trip limit of 300 pounds (round weight) not to exceed 600 pounds in any two-month cumulative period. The 60 percent restriction does not apply to open access sablefish landings. No minimum size.

(b) Rockfish:

Vessel trip limit of 10,000 pounds. Cumulative trip limit of 40,000 pounds except black rockfish and thornyhead rockfish.

(c) Black rockfish—The vessel trip limit for black rockfish for commercial fishing vessels using hook and line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(d) Lingcod—Two-month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed head-on (gutted only) weight, multiply the dressed weight by 1.1. The 60 percent restriction does not apply to open access lingcod landings.

(e) Thornyhead rockfish—Illegal to take, possess, transport or land thornyhead rockfish.

(4) It is unlawful for the operator of any vessel during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit, or a daily trip limit.

(5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume 65, No. 2, beginning on page 221, published January 4, 2000. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-44-080 Otter trawl logbook required. It shall be unlawful for any operator of otter trawl gear to fail to possess and maintain a "Washington-Oregon-California Trawl Logbook" while fishing in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, ((59A)) 59A-1, 59A-2, 59B, ((60A)) 60A-1, 60A-2, 61, 62 and 63. The logbook must be kept aboard the vessel while it is fishing in the above areas, or while having fish aboard that were caught in the above areas. The vessel operator must submit the completed logbook for inspection immediately upon request by authorized department ((of fisheries)) representatives. For each vessel trip, the operator shall record the vessel name and registration number, crew size, ((fuel used,)) departure and return date and time, ((general locality fished)) and buyers of fish landed. For each trawl tow conducted the vessel operator shall record the month and day, ((duration of tow, area)) time gear was set and retrieved, latitude and longitude fished, depth fished, net type, target species, and estimated weight of ((each)) species of fish retained. Species or species groups with trip or cumulative limits must be identified separately and cannot be recorded in combination with other species. The department's copies of completed log

sheets must be submitted to the department for each month in which fishing activity occurs. The department's copies must be received within ten days following any calendar month in which fishing activity occurred, or within ten days following the termination of commercial fishing activity, whichever occurs first.

WSR 00-16-045
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 26, 2000, 9:23 a.m.]

Date of Adoption: July 25, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing 2 [WAC 308-77-045 and 308-77-270]; and amending 7 [WAC 308-77-090, 308-77-155, 308-77-165, 308-77-170, 308-77-180, 308-77-240, and 308-77-265].

Statutory Authority for Adoption: Chapters 46.87 and 82.38 RCW.

Adopted under notice filed as WSR 00-11-037 on May 10, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 7, Repealed 2; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 25, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-090 Leased and rented vehicles. ~~((1))~~
How are leased or rented vehicles registered? The registration of leased or rental passenger vehicles will be conducted under ~~((either))~~ the provisions of chapter 46.16 RCW ~~((or under the provisions, currently identified as Article XI registration of rental vehicles, of the international registration plan (IRP) as now written or hereafter amended. Rental or leased vehicles under this section include:))~~. Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), and utility trailers (not exceed-

ing 6,000 pounds gross weight)~~((, and passenger cars (for the purpose of these rules, motorhomes and travel trailers are treated the same as passenger cars)))~~ may be registered under the provisions of Article XI of the International Registration Plan (IRP). In addition to the certificate of registration (cab card) or a photocopy ~~((thereof))~~, a copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination. Refer to WAC 308-91-030 for the definition of terms used in this section.

~~((2))~~ Owners of rental vehicles engaged in the business of renting passenger cars in this state may request the approval of the department to apportion the registrations of the rental fleet under the provisions of the IRP by making application to the department at least thirty days prior to the start of each calendar year. Applications will be submitted on forms furnished by the department.

~~(a)~~ To determine the percentage of total fleet vehicles that shall be registered in this state, divide the gross revenue received in the preceding year for use of such rental vehicles arising from passenger car rental transactions occurring in this state by the gross revenue received in the preceding year for the use of such rental vehicles arising from passenger car rental transactions occurring in all jurisdictions in which such vehicles were operated ~~(the rental transaction location is deemed to be where the vehicle first comes into possession of the user)~~. The resulting percentage shall be applied to the total number of passenger cars in the fleet and that figure shall be the minimum number of rental passenger cars that shall be fully licensed in the state of Washington during the calendar year.

~~(3)~~ Owners of rental vehicles engaged in the business of renting passenger cars in this state who do not make application under the provisions of subsection (2) of this section or comply with the requirements of subsection (2) of this section must register all such vehicles under the provisions of chapter 46.16 RCW.

~~(4)~~ In the absence of an agreement or arrangement to the contrary, rental or leased vehicles are not eligible for vehicle license reciprocity in the state of Washington except for the classes of vehicles and circumstances indicated below:

~~(a)~~ Passenger cars and motorhomes currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

~~(i)~~ The vehicle was rented by the vehicle operator from a location outside of the state of Washington; or

~~(ii)~~ The vehicle was dropped off in Washington by the previous renter and is being rented for a one-way trip out of Washington.

~~(b)~~ Trailers and semitrailers with a gross vehicle weight in excess of 6,000 pounds, trucks, truck tractors, tractors, and road tractors that are currently and properly registered in other jurisdictions will be granted vehicle license reciprocity in this state if:

~~(i)~~ The vehicle is rented from a location within another jurisdiction; and

~~(ii)~~ The vehicle registration certificate (cab card) or a photo copy thereof and a copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles.

(5) Normally the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

(a) Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee. The application should be filed in the name of the lessee and the lessor. For equipment owned and operated by owner operators, other than service representatives, and used exclusively to transport cargo for the household goods carrier, the vehicle shall be registered by the carrier in the base jurisdiction of the carrier, but in both the owner operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier.

(b) Optional for rental vehicles referred to in subsection (1) of this section.))

AMENDATORY SECTION (Amending WSR 94-11-029, filed 5/9/94, effective 6/9/94)

WAC 308-77-155 On board computers or recording devices. Can I use on board computers or recording devices to record mileage? Yes, the use of on board computers or recording devices for the production of mileage records required by ((chapter 82.38)) RCW 82.32.140 shall be governed by the requirements or procedures adopted by the International Fuel Tax Agreement (IFTA).

AMENDATORY SECTION (Amending WSR 98-24-011, filed 11/19/98, effective 1/1/99)

WAC 308-77-165 Export sales. (1) ((Export sales shall be reported as "export sales, exported by purchaser" and supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state or foreign jurisdiction of destination. This Schedule 10 should be submitted with the tax report. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.)) **How are tax exempt export transactions reported?** Tax exempt export transactions must be supported by a special fuel tax multiple schedule of disbursements. A separate schedule is required for each state of destination. The department will furnish the government agency of the state or foreign jurisdiction of destination a copy of this schedule to give information on the movement of untaxed fuel across state lines. In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the schedule must identify

the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(2) If I am not licensed or not required to file monthly tax returns, may I obtain a refund for tax paid export transactions? Yes, you may apply for a refund of the special fuel tax previously paid on special fuel sold tax exempt under this section.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-170 Metric measurement. ((Any requirement imposed by chapter 82.38 RCW or these rules regarding quantity measurement for inventory sales, purchases, use, or other purpose may, at the option of the licensee, be recorded in SI liters in lieu of United States gallons.)) **Can I report using metric measurements?** No, tax reports submitted to the department must show all figures converted from liters to gallons ((at the rate of 3.785 liters per gallon)) (3.785 liters per gallon) and from kilometers to miles (1.6093 kilometers per mile).

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-180 ((Audit assessment conference.)) Appeals. ((In any case of an account under audit where substantial agreement has not been reached between the taxpayer and the field auditor, the taxpayer may request a conference with the field audit supervisor or his designee prior to finalization and submission of the audit report. Such conference is informal in nature, and is intended to clarify the issues in dispute, resolving them where possible, and in any event effecting agreement as to the facts and figures involved. In those cases where agreement cannot be reached at this level as to the tax interpretations applied, the report will be finalized and submitted to Olympia, from where, following review and approval of the recommendations of the report, an assessment will be issued.)) (1) **What are the appeal procedures?** Any person issued a notice of assessment under this chapter for taxes, any penalties, and/or interest may contest the notice by petitioning the department for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for an informal or formal hearing must be in writing and received by the department within thirty days after receipt of the notice of assessment. A petition will state the specific reasons why reassessment is sought and the amount of taxes, any penalties and/or interest that the petitioner believes to be due.

(2) **What happens after the department receives my petition for an informal hearing?** Upon receipt of your petition for an informal hearing, the department will establish the time and place for a hearing and notify you by mail at least ten days prior to the scheduled date. If you are unable to attend the scheduled hearing, you may request the department to reschedule it. You may appear in person or may be represented by any person you have authorized to present the case.

(3) **What happens if I fail to appear for my informal or formal hearing without prior notification?** Failure to

appear may result in the loss of your administrative appeal rights.

(4) What happens following my informal hearing?

The department will make a written determination in accordance with the Revised Code of Washington, rules, and policies established by the department.

(5) What if I do not agree with the department's informal hearing determination? You may, within thirty days after the receipt of the determination, appeal in writing and request a formal hearing by an administrative law judge. This process is governed by the Administrative Procedure Act, chapter 34.05 RCW. Your appeal must indicate the portions of the determination you feel are in error and state the reasons for believing the decision should be amended. You will be given at least ten days written notice of the time and location that has been established for the formal hearing. Following the formal hearing, an initial order by the administrative law judge will be issued and served upon you. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

(6) Can I appeal the initial order of the administrative law judge? Yes. The initial order of the administrative law judge must be appealed within twenty days of service. The appeal must specify the portions of the initial order to which exception is taken. The petition will be reviewed and a final order issued by the director.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-240 Records for refund claims.

((Claimants shall maintain records which are sufficient to substantiate the accuracy of the claims. Such records shall reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain and inventories of fuel on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to permit examination by representatives of the department shall constitute a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

Special fuel purchased in small containers (tanks, cans, bottles, etc.) for nonhighway use (boats, tractors, mobile homes, trailers, etc.) and identified thus on purchase invoice will require no further records.

Invoices covering special fuel purchased, tax included, exclusively for use in motor vehicles will not be required in support of nonrefundable use but they shall be retained in the files of the claimant to account for fuel used in motor vehicles.

Where a claim covering the operation of a motor vehicle is entirely over private property and subject to refund, no record will be required other than that necessary to establish the source and number of gallons of special fuel used.)) (1) **What records does the department require each claimant to retain?** Each claimant must retain records that reflect all

special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Each claimant must also keep on highway and off highway mileage records for each licensed vehicle.

If the claimant maintains electronic invoices, paper copies of these invoices must be produced, upon request of the department. Failure of the claimant to maintain the required records or to comply with the department's request for examination of the records will waive all rights to a refund.

(2) What additional records must be maintained to support a refund claim for fuel withdrawn from bulk storage? Fuel purchased and delivered into bulk storage must have detailed withdrawal records that account for taxable and nontaxable use.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-265 ((Special fuel lost or destroyed.))

Tax exempt losses. ((A refund of special fuel tax previously paid may be claimed by notifying the department in writing as to the full circumstances and the amount of the loss. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary.)) (1) **What is considered a tax-exempt loss?** Special fuel lost or destroyed in this state while being transported in the equipment of a licensee or in the equipment of a common or contract carrier for a licensee will be considered as a taxable distribution. Credit for or a refund of the special fuel tax paid may be taken when the licensee or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost provided the documents in support of the loss are submitted to the department for approval as provided in RCW 82.38.180.

(2) What is acceptable proof of loss? Acceptable proof of loss will consist of the following:

(a) An affidavit by a person having direct knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the loss, quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedure(s) used in the determination of the quantity of fuel lost;

(b) A signed statement by a federal or jurisdictional official who has authority to investigate and/or deal with fuel losses or a witness to the loss;

(c) A bill of lading or other shipping document(s); and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(3) Are deductions for losses from bulk storage allowed? Yes, special fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage plant, is allowed as a deduction.

(4) How long shall I retain my evidence substantiating my loss? Documentary evidence substantiating losses shall be retained by the licensee for five years.

(5) May I claim a deduction for unproven losses? No, unproven losses will be considered as a distribution and subject to the fuel tax.

(6) Am I liable for fuel taxes if one of my employees or agents cause a loss of fuel? Yes, charges for losses made by employees or agents of the licensee who fail to satisfactorily account for fuel shall be invoiced inclusive of the fuel tax. Other losses shall be substantiated by proof acceptable to the department.

AMENDATORY SECTION (Amending Order DOL 630, filed 6/30/81)

~~WAC 308-77-280 Natural gas, propane—Decal as evidence of payment of annual license fees. (1) ((All vehicles licensed in Washington as well as all vehicles proportionally registered in Washington which are powered by natural gas or liquefied petroleum gas commonly called propane, shall display at all times a decal issued by the department as evidence that the annual fee prescribed in RCW 82.38.075 has been paid in lieu of the fuel tax imposed by RCW 82.38.030. This decal shall be displayed in a conspicuous place on the exterior of the vehicle on the rear bumper or near the fuel tank inlet.~~

~~(2) Persons engaged in converting vehicles to be powered by natural gas or propane may, at the completion of the conversion, fill the vehicle tank once with this fuel without requiring the decal. The converted vehicle must display the decal as herein required before further fuel acquisitions can be made.~~

~~(3) Vehicles displaying a valid temporary registration permit which has been issued pending the completion of vehicle registration may be allowed to purchase fuel without displaying a decal.)~~ Do I pay fuel tax when I purchase natural gas or liquefied petroleum gas (propane) for my licensed vehicle? No, once you have licensed your vehicle as being powered by natural gas or propane, you will pay an annual license fee in lieu of the fuel tax.

(2) What proof is required to purchase natural gas or propane for my vehicle? A decal will be issued that must be displayed on your vehicle that allows the purchase of natural gas or propane. This decal must be displayed in a conspicuous place on the vehicle near the fuel supply tank.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-77-045 Expiration of license.
- WAC 308-77-270 Repealer.

WSR 00-16-046
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed July 26, 2000, 3:13 p.m.]

Date of Adoption: May 9, 2000.

Purpose: To repeal rules relating to screenings, WAC 16-200-512. Current laws and rules have been revised to address the issue of screenings and screening wastes (RCW 15.53.902 and WAC 16-200-815). Those laws and rules are sufficient to protect the health, welfare and safety of Washington citizens. WAC 16-200-512 is obsolete and duplicative and should be repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-200-512.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Adopted under preproposal statement of inquiry filed as WSR 00-07-068 on March 13, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 26, 2000

Jim Jesernig

Director

PERMANENT

WSR 00-16-055
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 26, 2000, 3:40 p.m., effective August 1, 2000]

Date of Adoption: July 26, 2000.

Purpose: To set up a system to connect WorkFirst participants to a person who will help them keep their job, once employed, and help them take steps toward higher wages.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0200, 388-310-0600, and 388-310-1800.

Statutory Authority for Adoption: RCW 74.08A.340(2), 45 C.F.R. 260.31, RCW 74.08.090, and chapter 74.04 RCW.

Adopted under notice filed as WSR 00-11-140 on May 23, 2000.

Changes Other than Editing from Proposed to Adopted Version: Added to WAC 388-310-1800, job success services must be delivered in accordance with equitable access to Indians requirements in state law (in RCW 74.08A.040). Deleted from same, You may be assigned to a job success coach, or similar services, ~~where available~~.

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 3, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: An effective date of August 31, 2000, is necessary to implement the job success coach initiative (JSCI) that provides vital services and support to WorkFirst participants trying to transition off TANF. The JSCI helps WorkFirst participants overcome many obstacles to hold onto their job, succeed in the workplace and bank months of TANF for times of greater need.

Effective Date of Rule: August 1, 2000.

July 26, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-06-062, filed 3/1/00, effective 3/1/00)

WAC 388-310-0200 WorkFirst—Activities. (1) **Who is required to participate in WorkFirst activities?**

(a) You are required to participate in WorkFirst activities, and become what is called a "mandatory participant," if you:

- (i) Receive TANF or SFA cash assistance; and
- (ii) Are a custodial parent or age sixteen or older; and
- (iii) Are not exempt. (You can only get this exemption if you are caring for your child under three months of age. See WAC 388-310-0300 for more details.)

(b) Participation is voluntary for all other WorkFirst participants (those who no longer receive or have never received TANF or SFA cash assistance).

(2) **What activities do I participate in when I enter the WorkFirst program?**

When you enter the WorkFirst program, you will participate in one or more of the following activities (which are described in more detail in other sections of this chapter):

(a) Paid employment (see WAC 388-310-0400 ~~((+))~~(2)(a) and 388-310-1500);

(b) Self employment (see WAC 388-310-1700);

(c) Job search (see WAC 388-310-0600);
(d) Community jobs (see WAC 388-310-1300)
(e) Work experience (see WAC 388-310-1100);
(f) On-the-job training (see WAC 388-310-1200);
(g) Vocational educational training (see WAC 388-310-1000);

(h) Basic education activities (see WAC 388-310-0900);

(i) Job skills training (see WAC 388-310-1050);

(j) Community service (see WAC 388-310-1400); and/or

(k) Activities provided by tribal governments for tribal members and other American Indians (see WAC 388-310-1400(1) and 388-310-1900).

(3) **If I am a mandatory participant, how much time must I spend doing WorkFirst activities?**

If you are a mandatory participant, you will be required to spend up to forty hours a week working, looking for work or preparing for work. You will have an individual responsibility plan (described in WAC 388-310-0500) that includes the number of hours a week that you are required to participate.

(4) **What activities do I participate in after I get a job?**

You may participate in other activities, which are called "post employment services" (described in WAC 388-310-1800) once you are working twenty hours or more a week. Work can include a paid, unsubsidized job, self-employment, college work study or a subsidized job like a community jobs placement. Post employment services include:

(a) Activities that help you keep a job (called an "employment retention" service); and/or

(b) Activities that help you get a better job or better wages (called a "wage and skill progression" service).

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-0600 WorkFirst—Job search. (1) **What is job search?**

Job search is an opportunity to learn and use skills you need to find and keep a job. Job search may include:

(a) Classroom instruction; and/or

(b) Structured job search that helps you find job openings, complete applications, practice interviews and apply other skills and abilities with a job search specialist or a group of fellow job-seekers; and/or

(c) Pre-employment training.

(2) **What is pre-employment training?**

Pre-employment training helps you learn skills you need for an identified entry level job that pays more than average entry level wages.

(a) Pre-employment training is an acceptable job search activity when an employer or industry commits to hiring or giving hiring preference to WorkFirst participants who successfully complete pre-employment training.

(b) You can find out about current pre-employment training opportunities by asking your job service specialist, your case manager or staff at your local community and technical college.

(3) **Who provides me with job search?**

((Your)) You get job search from the employment security department or another organization under contract with WorkFirst to provide these services.

(4) How long do I stay in job search?

Periods of job search may last up to twelve continuous weeks. Job search specialists will monitor your progress. By the end of the first four weeks, a job search specialist will determine whether you should continue in job search. Job search will end when:

- (a) You find a job; or
- (b) You become exempt from WorkFirst requirements (see WAC 388-310-0300); or
- (c) Your situation changes and you are temporarily deferred from continuing with job search (see WAC 388-310-0400); or
- (d) Job search specialists have determined that you need additional skills and/or experience to find a job; or
- (e) You have not found a job at the end of the job search period.

(5) What happens at the end of job search if I have not found a job?

At the end of each job search period, you will be referred back to your case manager for an employability evaluation if you have not found a job. You and your case manager will also modify your individual responsibility plan.

AMENDATORY SECTION (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

WAC 388-310-1800 WorkFirst—Post employment services. (1) What is the purpose of post employment services?

Post employment services help low-income parents who are working twenty hours or more a week keep and cope with their current jobs, look for better jobs, gain work skills for a career and become self sufficient.

(2) How do I obtain post employment services?

- (a) You can obtain post employment services by:
 - (i) Asking for a referral from the local community service office;
 - (ii) Contacting community or technical colleges; or
 - (iii) Contacting the employment security department.
 Employment security department staff may also telephone you if you got a job while you were on TANF or SFA to see if you are interested in receiving these services.

(b) You may qualify for different services (from various state or federal programs) depending on whether you:

- (i) Are a mandatory participant (that is, you currently receive TANF, SFA or GA-S benefits);
- (ii) Used to receive TANF or SFA benefits; or
- (iii) Have never been on TANF or SFA.

(3) Who provides post employment services and what kind of services do they provide?

(a) ~~((Your WorkFirst case manager can refer you to employment retention services, that will help you develop the skills you need to keep your job. An employment retention specialist will contact you on a regular basis))~~ You may be assigned to a job success coach, or similar services. Job success services must be delivered in accordance with the equi-

table access to Indians requirements in state law (in RCW 74.08A.040). The job success coach is a person who will work with you to increase your success in the workplace. The purpose of the job success coach, or similar post employment services, is to:

- (i) Help you resolve problems with your employer;
- (ii) Help you adjust to your workplace;
- (iii) Provide job coaching; ~~((and/or))~~
- (iv) Provide mentoring;
- (v) Increase your job skills;
- (vi) Help you develop the skills you need to keep your job;
- (vii) Create steps to help you increase your wages; and/or
- (viii) Develop educational activities to promote wage progression.

(b) The employment security department can help you increase your wages, increase your job skills or find a better job by providing you with:

- (i) Employment and career counseling;
- (ii) Labor market information;
- (iii) Job leads for a better job (sometimes called job development);
- (iv) On the job training;
- (v) Help with finding a job that matches your interests, abilities and skills (sometimes called job matching); and
- (vi) Help with finding a new job after job loss (sometimes called reemployment).

(c) Any Washington state technical and community college can approve a skill-training program for you that will help you advance up the career ladder. Their staff will talk to you, help you decide what training would work best for you and then help you get enrolled in these programs. The college may approve the following types of training for you at any certified institution:

- (i) High school/GED,
- (ii) Vocational education training,
- (iii) Job skills training,
- (iv) Adult basic education,
- (v) English-as-a-Second language training((;)), or
- (vi) Pre-employment training.

(4) What other services are available while you receive post employment services?

While you receive post employment services, you may qualify for:

(a) Working connections childcare if you meet the criteria for this program (described in chapter 388-290 WAC). To qualify, you must also be in an approved post-employment service and your family's income cannot exceed one hundred seventy-five percent of the federal poverty level.

(b) Other support services, such as help in paying for transportation or work expenses.

(c) Other types of assistance for low-income families such as food stamps, medical assistance or help with getting child support that is due to you and your children.

(5) Who is eligible for post employment service, support services and childcare?

You may qualify for post-employment services, support services and child care if you are working twenty hours or more a week, and:

(a) You are current TANF or SFA recipient. You qualify for:

(i) All types of post employment services, unless you are in sanction status;

(ii) Tuition assistance from the community and technical college system;

(iii) WorkFirst support services; and

(iv) Working connections childcare.

(b) You are a former TANF or SFA recipient. You qualify for:

(i) Employment retention services (help with keeping a job) for up to ~~((twelve))~~ twenty-four months ~~((following))~~ after exiting TANF or SFA.

(ii) Wage and skill progression services (help with finding a better job and/or obtaining better wages) for up to twenty four months after exiting TANF or SFA.

(iii) Tuition assistance or pre-employment training from the community and technical college system;

(iv) Working connections childcare assistance; and/or

(v) WorkFirst support services for up to twelve months after exiting TANF or SFA.

(c) You are a low wage earner (that is, your family income does not exceed one hundred seventy-five percent of the federal poverty level) who has never received TANF or SFA benefits, and are in a community or technical college-approved skill training program. You may qualify for:

(i) Tuition assistance or pre-employment training from the community and technical college system; or

(ii) Working connections child care while you are in training or school for up to a total of thirty six months.

(6) What if I lose my job while I am receiving post employment services?

If you now receive or used to receive TANF or SFA, help is available to you for up to four weeks so that you can find another job and continue in your approved post employment.

(a) The employment security department will provide you with re-employment services.

(b) At the same time, your case manager can approve up to four weeks of support services and childcare for you.

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PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed July 26, 2000, 3:53 p.m.]

Date of Adoption: July 26, 2000.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Amending WAC 308-96A-306 Definitions—Disabled person special parking privileges.

Statutory Authority for Adoption: RCW 46.16.381.

Adopted under notice filed as WSR 00-11-120 on May 22, 2000.

Changes Other than Editing from Proposed to Adopted Version: Add the words "advanced registered" before the words "nurse practitioners."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 26, 2000

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 99-21-034, filed 10/15/99, effective 11/15/99)

WAC 308-96A-306 Definitions—Disabled person special parking privileges. For the purposes of determining eligibility for special disabled person parking placards and license plates, the following definitions apply:

(1) "Licensed physician" means, for the purpose of determining the disability that limits the ability to walk and meets the criteria set forth in RCW 46.16.381(1), a health care provider licensed by the department of health to provide health care whose scope of practice includes those areas covered in the statute. Licensed physician includes chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s) and identification card.

(4) "Identification card" means the identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the permit.

(7) "Expiration date" means:

(a) The last day of the month specified on a temporary placard; or

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DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
 [Filed July 27, 2000, 3:01 p.m.]

(b) Not less than five years from the month and year of issuance of a permanent placard, as specified by the department on the placard.

(8) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(9) "Signature" means any memorandum, mark, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).

(10) "Application" means the form provided by the department that must be completed by the individual and physician or the form that must be completed by the organization.

Date of Adoption: July 27, 2000.

Purpose: The purposes are: (1) To provide guidance to counties and cities when developing policies and development regulations to protect the functions and values of critical areas and to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; (2) to assist counties and cities in demonstrating they have met their statutory obligations under RCW 36.70A.172.

Citation of Existing Rules Affected by this Order: Amending chapter 365-195 WAC.

Statutory Authority for Adoption: RCW 36.70A.190 (4)(b).

Adopted under notice filed as WSR 00-03-066 on February [January] 18, 2000.

Changes Other than Editing from Proposed to Adopted Version: None of the proposed changes below are substantially different from this rule as proposed in January 2000.

Section	Changes to Text	Purpose/Effect
WAC 365-195-900 Background.	Adding " <u>newly adopted policies and in</u> " this periodic review and evaluation....	Clarifies that the rules are intended to assist counties and cities in identifying and including the best available science both in newly adopted policies and regulations and in the periodic review and evaluation under RCW 36.70A.215.
WAC 365-195-905 Criteria for determining which information is the best available science.	New Heading: <u>Criteria for determining which information is the best available science.</u>	Responds to public comments indicating this heading format is easier to reference and understand.
Subsection (2)	Shifting <i>old subsection (4) to new subsection (2).</i>	Responds to public comments suggesting the rule would be better organized if it began with information about where cities and counties can locate and use a source list of BAS from local, state and federal natural resource agencies consistent with criteria set out in this rule.
Subsection (3)	Shifting <i>old subsection (2) to new subsection (3).</i> Changing: " <u>the ultimate accountability for determining whether information obtained during development of critical areas policies and regulations constitutes the BAS rests with the legislative authority of the county or city.</u> " To: " <u>The responsibility for including the BAS in the development and implementation of critical area policies or regulations rests with the legislative authority of the county or city.</u> "	Renumbering made necessary by having shifted subsection (4). Responds to comments pointing out that local governments have the responsibility for complying with the BAS requirement, but the ultimate determination whether BAS has been included resides with the GMHBs or the courts. The proposed change in this section clarifies the relationship between the local governments' legislative authority and juridical review provided for in the GMA.

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Subsection (5)	Addition of the word " <u>the</u> ", deletion of the words " <i>consider the following.</i> "	Grammatical change.
Subsection (5)(a)	Deletion of the word " <i>must</i> " and inclusion of the word " <u>should</u> " in the second sentence.	The use of "should" rather than "must" in recommendations included in the procedural criteria complies with the mandate of RCW 36.70A.190(4), that the procedural criteria are to assist counties and cities in meeting the goals and requirements of the GMA.
Subsection (5)(a)(1)	The addition of the words " <u>qualified scientific</u> " to the first sentence.	Provides clarity that the "experts" in the scientific discipline is qualified in the pertinent scientific discipline.
Subsection (5)(b)	Deletion of " <i>necessary to ensure the information is scientifically valid and reliable</i> " and inclusion of the words <u>listed in Table 1.</u>	Deletes redundant language, no substantive changes.
Subsection (5)(c)	Revision of the sentence: <u>Nonscientific information</u> may provide valuable information to supplement scientific information, but <u>it is not an adequate substitute for scientific information.</u> <u>Nonscientific information</u> should not be used as a substitute for valid and available scientific information.	Clarifies that scientific information can be used to supplement, not substitute for science.
Subsection (6)	Addition of the words: <u>to update critical area ordinances to include</u> new scientific information as it becomes available.	Clarifies that local governments' monitoring and evaluation of their critical areas protections are not ends in themselves; RCW 36.70A.215 requires that critical areas ordinances be updated where necessary.
Subsection (6)(b)	The addition of the words " <u>of a valid scientific process</u> " to the last sentence.	Clarifies that the information found in Table 1 provides a general indication of the characteristics of "a valid scientific process" typically associated with the common sources of scientific information.
WAC 365-195-910 Criteria for obtaining the best available science.	New heading: <u>Criteria for obtaining the best available science.</u>	Responds to public comments indicating this heading format is easier to reference and understand.
Subsection (1)	Addition of the words: " <u>and federal</u> " and " <u>and tribes.</u> "	Responds to public comments noting that federal resource agencies and some tribes and/or assemble scientific information pertinent to critical areas protection, which may be useful for local governments.
Subsection (1)	Addition of: <u>determined to be consistent with criteria set out in WAC 365-195-905.</u>	Clarifies that the department will make available to interested parties a current list of the best available science that is developed consistent with criteria in this rule identified by state or federal natural resource agencies for critical areas.
Subsection (2)	Addition of: <u>applicable to the critical areas to be protected.</u>	Clarifies that a local government's assessment of the best available science should reference its applicability to its critical areas.

Subsection (2)	Deletion of the word: " <i>must</i> " and inclusion of the word " <u>should</u> " in the second and third sentences.	The use of "should" rather than "must" in recommendations included in the procedural criteria complies with the mandate of RCW 36.70A.190(4), that the procedural criteria are to assist counties and cities in meeting the goals and requirements of the GMA.
WAC 365-195-915 Criteria for including the best available science in developing policies and development regulations.	New heading: <u>Criteria for including the best available science in developing policies and development regulations.</u>	Responds to public comments indicating this heading format is easier to reference and understand.
Subsection (2)	Deletion of the word " <i>must</i> " and inclusion of the word " <u>should</u> " in the first sentence.	The use of "should" rather than "must" in recommendations included in the procedural criteria complies with the mandate of RCW 36.70A.190(4), that the procedural criteria are to assist counties and cities in meeting the goals and requirements of the GMA.
Subsection (2)	Changing " <i>exceptions</i> " to the word " <u>exemptions.</u> "	The appropriate planning term is "exemptions" not exceptions.
WAC 365-195-920 Criteria for addressing inadequate scientific information.	New heading: <u>Criteria for addressing inadequate scientific information.</u>	Responds to public comments indicating this heading format is easier to reference and understand.
Subsection (1)	Deletion of the word " <i>or</i> " substitute with " <u>and.</u> "	Responds to public comment accurately pointing out that if inadequate scientific information is available, a low risk approach should be pursued while an interim adaptive management program is being implemented.
Subsection (2)	Deletion of the word " <i>must</i> " and inclusion of the word " <u>should</u> " in the fourth sentence.	The use of "should" rather than "must" in recommendations included in the procedural criteria complies with the mandate of RCW 36.70A.190(4), that the procedural criteria are to assist counties and cities in meeting the goals and requirements of the GMA.
Subsection (2)	Deletion of the phrase " <i>pay for a research program</i> " and substitute with " <u>address funding for the research component of the adaptive management program.</u> "	Grammatical change.
WAC 365-195-925 Criteria for demonstrating "special consideration" has been given to conservation or protection measures necessary to preserve or enhance anadromous fisheries.	New heading: <u>Criteria for demonstrating special consideration has been given to conservation or protection measures necessary to preserve or enhance anadromous fisheries.</u>	Responds to public comments indicating this heading format is easier to reference and understand.
Subsection (2) and (3)	Deletion of the word " <i>must</i> " and inclusion of the word " <u>should</u> " in the first sentence in subsection (2) and the third sentence in subsection (3).	The use of "should" rather than "must" in recommendations included in the procedural criteria complies with the mandate of RCW 36.70A.190(4), that the procedural criteria are to assist counties and cities in meeting the goals and requirements of the GMA.

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 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 27, 2000

Martha Choe

Director

PART NINE BEST AVAILABLE SCIENCE

NEW SECTION

WAC 365-195-900 Background and purpose. (1) Counties and cities planning under RCW 36.70A.040 are subject to continuing review and evaluation of their comprehensive land use plan and development regulations. Every five years they must take action to review and revise their plans and regulations, if needed, to ensure they comply with the requirements of the Growth Management Act. RCW 36.70A.215.

(2) Counties and cities must include the "best available science" when developing policies and development regulations to protect the functions and values of critical areas and must give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1). The rules in WAC 365-195-900 through 365-195-925 are intended to assist counties and cities in identifying and including the best available science in newly adopted policies and regulations and in this periodic review and evaluation and in demonstrating they have met their statutory obligations under RCW 36.70A.172(1).

(3) The inclusion of the best available science in the development of critical areas policies and regulations is especially important to salmon recovery efforts, and to other decision-making affecting threatened or endangered species.

(4) These rules are adopted under the authority of RCW 36.70A.190 (4)(b) which requires the department of community, trade, and economic development (department) to adopt rules to assist counties and cities to comply with the goals and requirements of the Growth Management Act.

NEW SECTION

WAC 365-195-905 Criteria for determining which information is the "best available science." (1) This sec-

tion provides assessment criteria to assist counties and cities in determining whether information obtained during development of critical areas policies and regulations constitutes the "best available science."

(2) Counties and cities may use information that local, state or federal natural resource agencies have determined represents the best available science consistent with criteria set out in WAC 365-195-900 through 365-195-925. The department will make available a list of resources that state agencies have identified as meeting the criteria for best available science pursuant to this chapter. Such information should be reviewed for local applicability.

(3) The responsibility for including the best available science in the development and implementation of critical areas policies or regulations rests with the legislative authority of the county or city. However, when feasible, counties and cities should consult with a qualified scientific expert or team of qualified scientific experts to identify scientific information, determine the best available science, and assess its applicability to the relevant critical areas. The scientific expert or experts may rely on their professional judgment based on experience and training, but they should use the criteria set out in WAC 365-195-900 through 365-195-925 and any technical guidance provided by the department. Use of these criteria also should guide counties and cities that lack the assistance of a qualified expert or experts, but these criteria are not intended to be a substitute for an assessment and recommendation by a qualified scientific expert or team of experts.

(4) Whether a person is a qualified scientific expert with expertise appropriate to the relevant critical areas is determined by the person's professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. No one factor is determinative in deciding whether a person is a qualified scientific expert. Where pertinent scientific information implicates multiple scientific disciplines, counties and cities are encouraged to consult a team of qualified scientific experts representing the various disciplines to ensure the identification and inclusion of the best available science.

(5) Scientific information can be produced only through a valid scientific process. To ensure that the best available science is being included, a county or city should consider the following:

(a) **Characteristics of a valid scientific process.** In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the public participation process is reliable scientific information, a county or city should determine whether the source of the information displays the

characteristics of a valid scientific process. The characteristics generally to be expected in a valid scientific process are as follows:

1. **Peer review.** The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The criticism of the peer reviewers has been addressed by the proponents of the information. Publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed.

2. **Methods.** The methods that were used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity.

3. **Logical conclusions and reasonable inferences.** The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information

and inconsistencies with other pertinent scientific information are adequately explained.

4. **Quantitative analysis.** The data have been analyzed using appropriate statistical or quantitative methods.

5. **Context.** The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

6. **References.** The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

(b) **Common sources of scientific information.** Some sources of information routinely exhibit all or some of the characteristics listed in (a) of this subsection. Information derived from one of the following sources may be considered scientific information if the source possesses the characteristics in Table 1. A county or city may consider information to be scientifically valid if the source possesses the characteristics listed in (a) of this subsection. The information found in Table 1 provides a general indication of the characteristics of a valid scientific process typically associated with common sources of scientific information.

Table 1 SOURCES OF SCIENTIFIC INFORMATION	CHARACTERISTICS					
	Peer review	Methods	Logical conclusions & reasonable inferences	Quantitative analysis	Context	References
A. Research. Research data collected and analyzed as part of a controlled experiment (or other appropriate methodology) to test a specific hypothesis.	X	X	X	X	X	X
B. Monitoring. Monitoring data collected periodically over time to determine a resource trend or evaluate a management program.		X	X	Y	X	X
C. Inventory. Inventory data collected from an entire population or population segment (e.g., individuals in a plant or animal species) or an entire ecosystem or ecosystem segment (e.g., the species in a particular wetland).		X	X	Y	X	X
D. Survey. Survey data collected from a statistical sample from a population or ecosystem.		X	X	Y	X	X
E. Modeling. Mathematical or symbolic simulation or representation of a natural system. Models generally are used to understand and explain occurrences that cannot be directly observed.	X	X	X	X	X	X
F. Assessment. Inspection and evaluation of site-specific information by a qualified scientific expert. An assessment may or may not involve collection of new data.		X	X		X	X
G. Synthesis. A comprehensive review and explanation of pertinent literature and other relevant existing knowledge by a qualified scientific expert.	X	X	X		X	X
H. Expert Opinion. Statement of a qualified scientific expert based on his or her best professional judgment and experience in the pertinent scientific discipline. The opinion may or may not be based on site-specific information.			X		X	X

X = characteristic must be present for information derived to be considered scientifically valid and reliable

Y = presence of characteristic strengthens scientific validity and reliability of information derived, but is not essential to ensure scientific validity and reliability

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(c) Common sources of nonscientific information.

Many sources of information usually do not produce scientific information because they do not exhibit the necessary characteristics for scientific validity and reliability. Information from these sources may provide valuable information to supplement scientific information, but it is not an adequate substitute for scientific information. Nonscientific information should not be used as a substitute for valid and available scientific information. Common sources of nonscientific information include the following:

(i) Anecdotal information. One or more observations which are not part of an organized scientific effort (for example, "I saw a grizzly bear in that area while I was hiking").

(ii) Nonexpert opinion. Opinion of a person who is not a qualified scientific expert in a pertinent scientific discipline (for example, "I do not believe there are grizzly bears in that area").

(iii) Hearsay. Information repeated from communication with others (for example, "At a lecture last week, Dr. Smith said there were no grizzly bears in that area").

(6) Counties and cities are encouraged to monitor and evaluate their efforts in critical areas protection and incorporate new scientific information, as it becomes available.

NEW SECTION

WAC 365-195-910 Criteria for obtaining the best available science. (1) Consultation with state and federal natural resources agencies and tribes can provide a quick and cost-effective way to develop scientific information and recommendations. State natural resource agencies provide numerous guidance documents and model ordinances that incorporate the agencies' assessments of the best available science. The department can provide technical assistance in obtaining such information from state natural resources agencies, developing model GMA-compliant critical areas policies and development regulations, and related subjects. The department will make available to interested parties a current list of the best available science determined to be consistent with criteria set out in WAC 365-195-905 as identified by state or federal natural resource agencies for critical areas.

(2) A county or city may compile scientific information through its own efforts, with or without the assistance of qualified experts, and through state agency review and the Growth Management Act's required public participation process. The county or city should assess whether the scientific information it compiles constitutes the best available science applicable to the critical areas to be protected, using the criteria set out in WAC 365-195-900 through 365-195-925 and any technical guidance provided by the department. If not, the county or city should identify and assemble additional scientific information to ensure it has included the best available science.

NEW SECTION

WAC 365-195-915 Criteria for including the best available science in developing policies and development regulations. (1) To demonstrate that the best available sci-

ence has been included in the development of critical areas policies and regulations, counties and cities should address each of the following on the record:

(a) The specific policies and development regulations adopted to protect the functions and values of the critical areas at issue.

(b) The relevant sources of best available scientific information included in the decision-making.

(c) Any nonscientific information—including legal, social, cultural, economic, and political information—used as a basis for critical area policies and regulations that depart from recommendations derived from the best available science. A county or city departing from science-based recommendations should:

(i) Identify the information in the record that supports its decision to depart from science-based recommendations;

(ii) Explain its rationale for departing from science-based recommendations; and

(iii) Identify potential risks to the functions and values of the critical area or areas at issue and any additional measures chosen to limit such risks. State Environmental Policy Act (SEPA) review often provides an opportunity to establish and publish the record of this assessment.

(2) Counties and cities should include the best available science in determining whether to grant applications for administrative variances and exemptions from generally applicable provisions in policies and development regulations adopted to protect the functions and values of critical areas. Counties and cities should adopt procedures and criteria to ensure that the best available science is included in every review of an application for an administrative variance or exemption.

NEW SECTION

WAC 365-195-920 Criteria for addressing inadequate scientific information. Where there is an absence of valid scientific information or incomplete scientific information relating to a county's or city's critical areas, leading to uncertainty about which development and land uses could lead to harm of critical areas or uncertainty about the risk to critical area function of permitting development, counties and cities should use the following approach:

(1) A "precautionary or a no risk approach," in which development and land use activities are strictly limited until the uncertainty is sufficiently resolved; and

(2) As an interim approach, an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions achieve their objectives. Management, policy, and regulatory actions are treated as experiments that are purposefully monitored and evaluated to determine whether they are effective and, if not, how they should be improved to increase their effectiveness. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, counties and cities should be willing to:

(a) Address funding for the research component of the adaptive management program;

(b) Change course based on the results and interpretation of new information that resolves uncertainties; and

(c) Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting critical areas protection and anadromous fisheries.

NEW SECTION

WAC 365-195-925 Criteria for demonstrating "special consideration" has been given to conservation or protection measures necessary to preserve or enhance anadromous fisheries. (1) RCW 36.70A.172(1) imposes two distinct but related requirements on counties and cities. Counties and cities must include the "best available science" when developing policies and development regulations to protect the functions and values of critical areas, and counties and cities must give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. Local governments should address both requirements in RCW 36.70A.172(1) when developing their records to support their critical areas policies and development regulations.

(2) To demonstrate compliance with RCW 36.70A.172(1), a county or city adopting policies and development regulations to protect critical areas should include in the record evidence that it has given "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. The record should be developed using the criteria set out in WAC 365-195-900 through 365-195-925 to ensure that conservation or protection measures necessary to preserve or enhance anadromous fisheries are grounded in the best available science.

(3) Conservation or protection measures necessary to preserve or enhance anadromous fisheries include measures that protect habitat important for all life stages of anadromous fish, including, but not limited to, spawning and incubation, juvenile rearing and adult residence, juvenile migration downstream to the sea, and adult migration upstream to spawning areas. Special consideration should be given to habitat protection measures based on the best available science relevant to stream flows, water quality and temperature, spawning substrates, instream structural diversity, migratory access, estuary and nearshore marine habitat quality, and the maintenance of salmon prey species. Conservation or protection measures can include the adoption of interim actions and long-term strategies to protect and enhance fisheries resources.

WSR 00-16-077

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed July 28, 2000, 3:38 p.m., effective September 1, 2000]

Date of Adoption: July 28, 2000.

Purpose: The purpose of chapter 388-800 WAC is to describe client eligibility and services for the medical-based alcohol/drug detoxification program; and the Alcoholism and Drug Addition Treatment and Support Act (ADATSA) program.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-240-0010, 388-240-0020, 388-240-1100, 388-240-1200, 388-240-2100, 388-240-2300, 388-240-2400, 388-240-2450, 388-240-2500, 388-240-2550, 388-240-2570, 388-240-2600, 388-240-3100, 388-240-4100, 388-240-4200, 388-240-4400, 388-240-4600, 388-240-5100, and 388-240-6100.

Statutory Authority for Adoption: RCW 74.08.090, 74.50.80 [74.50.080].

Adopted under notice filed as WSR 00-11-107 on May 18, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 30, Amended 0, Repealed 19.

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 30, Amended 0, Repealed 19.

Effective Date of Rule: September 1, 2000.

July 28, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Chapter 388-800 WAC

CHEMICAL DEPENDENCY ASSISTANCE PROGRAMS

NEW SECTION

WAC 388-800-0005 What is the purpose of this chapter? This chapter explains chemical dependency treatment services available through public assistance.

NEW SECTION

WAC 388-800-0020 What detoxification services will the department pay for? (1) The department only pays for services that are:

(a) Provided to eligible persons (see WAC 388-800-0030);

(b) Directly related to detoxification; and

(c) Performed by a certified detoxification center or by a general hospital that has a contract with the department to provide detoxification services.

(2) The department limits on paying for detoxification services are:

- (a) Three days for an acute alcoholic condition; or
- (b) Five days for acute drug addiction.

(3) The department only pays for detoxification services when notified within ten working days of the date detoxification began and all eligibility factors are met.

NEW SECTION

WAC 388-800-0025 What information does the department use to decide if I am eligible for the detoxification program? (1) The department uses the information you provide on the department's application form to determine if you are eligible for the detoxification program.

(2) The department may require an interview, documents or other verification if the department has questions about or needs to confirm the information you provided on your application.

NEW SECTION

WAC 388-800-0030 Who is eligible for detoxification services? (1) You are eligible for detoxification services if you:

(a) Receive benefits from temporary aid for needy families (TANF), general assistance unemployable (GAU), a medical assistance program, or Supplemental Security Income (SSI); or

(b) Do not have a combined nonexempt income and/or resources that exceed the payment standards for TANF.

(2) To determine your financial eligibility for the detoxification program the department deducts or exempts the following:

- (a) A home;
- (b) Household furnishings and personal clothing essential for daily living;
- (c) Other personal property used to reduce need for assistance or for rehabilitation;
- (d) A used and useful automobile;
- (e) Mandatory expenses of employment;
- (f) Total income and resources of a noninstitutionalized SSI beneficiary;
- (g) Support payments paid under a court order; and
- (h) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs, when failure to make such payments will result in garnishment of wages or loss of employment.

(3) The following resources are not exempt:

- (a) Cash;
- (b) Marketable securities; and
- (c) Any other resource not specifically exempted that can be converted to cash.

(4) If you receive detoxification services you shall not incur a deductible as a factor of eligibility for the covered period of detoxification.

NEW SECTION

WAC 388-800-0035 How long am I eligible to receive detoxification services? You are eligible for detoxification services from the date detoxification begins through the end of the month in which you complete the detoxification.

NEW SECTION

WAC 388-800-0040 What is ADATSA? (1) ADATSA stands for the Alcohol and Drug Addiction Treatment and Support Act which is a legislative enactment providing state-financed treatment and support to chemically dependent individuals.

(2) ADATSA provides eligible people with:

- (a) Treatment if you are chemically dependent and would benefit from it; or
- (b) A program of shelter services if you are chemically dependent and your chemical dependency has resulted in incapacitating physiological or cognitive impairments.

NEW SECTION

WAC 388-800-0045 What services are offered by ADATSA? If you qualify for the ADATSA program you may be eligible for:

(1) Alcohol/drug treatment services and support described under WAC-388-800-0080.

(2) Shelter services as described under WAC 388-800-0120.

(3) Medical care services as described under WAC 388-86-120 and 388-529-0200.

NEW SECTION

WAC 388-800-0048 Who is eligible for ADATSA? To be eligible for ADATSA services you must:

- (1) Be eighteen years of age or older;
- (2) Be a resident of Washington as defined in WAC 388-468-0005;
- (3) Meet citizenship requirements as described in WAC 388-424-0005.
- (4) Provide your Social Security Number; and
- (5) Meet the same income and resource criteria for the GA-U program; OR be receiving federal assistance under SSI or TANF.

NEW SECTION

WAC 388-800-0050 When am I eligible for ADATSA treatment services? (1) You are eligible for ADATSA treatment services when you meet the:

- (a) Financial eligibility criteria in WAC 388-800-0048; and
 - (b) Incapacity eligibility criteria in WAC 388-800-0055.
- (2) If you are able to access, at no cost, state-approved chemical dependency treatment comparable to ADATSA treatment services, you may choose it rather than ADATSA.

NEW SECTION

WAC 388-800-0055 What clinical incapacity must I meet to be eligible for ADATSA treatment services? You are clinically eligible for ADATSA treatment services when you:

(1) Are diagnosed as having a mild, moderate, or severe dependency on a psychoactive substance class other than nicotine or caffeine, using the current criteria for Psychoactive Substance Dependence in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association (DSM IV or its successor);

(2) Are clearly diagnosed as currently dependent on psychoactive substances other than nicotine or caffeine;

(3) Have not abstained from alcohol and drug use for the last ninety days, excluding days spent while incarcerated;

(4) Have not been gainfully employed in a job in the competitive labor market at any time during the last thirty days. For the purposes of this chapter, "gainfully employed" means performing in a regular and predictable manner an activity for pay or profit. Gainful employment does not include noncompetitive jobs such as work in a department-approved sheltered workshop or sporadic or part-time work, if the person, due to functional limitation, is unable to compete with unimpaired workers in the same job; and

(5) Are incapacitated, i.e., unable to work. Incapacity exists if you are one or more of the following:

(a) Currently pregnant or up to two months postpartum;

(b) Diagnosed as at least moderately psychoactive substance dependent and referred for treatment by child protective services;

(c) Diagnosed as severely psychoactive substance dependent and currently an intravenous drug user;

(d) Diagnosed as severely psychoactive substance dependent and has at least one prior admission to a department-approved alcohol/drug treatment or detoxification program;

(e) Diagnosed as severely psychoactive substance dependent and have had two or more arrests for offenses directly related to the chemical dependency; or

(f) Lost two or more jobs during the last six months as a direct result of chemical dependency.

NEW SECTION

WAC 388-800-0057 Will I still be eligible for ADATSA outpatient services if I abstain from using alcohol or drugs, become employed, or have a relapse? When you are successfully participating in ADATSA outpatient treatment services you are still considered incapacitated and eligible for ADATSA treatment through completion of the planned treatment, even if you:

(1) Become employed;

(2) Abstain from alcohol or drug use; or

(3) Relapse (resumption of your psychoactive substance abuse dependence).

NEW SECTION

WAC 388-800-0060 What is the role of the ADATSA/adult assessment center in determining eligibility? (1) A department-designated chemical dependency assessment center determines your incapacity based on alcoholism and/or drug addiction.

(2) The assessment center is the department's sole source of medical evidence required for the diagnosis and evaluation of your chemical dependency and its effects on employability.

(3) The assessment center provides a written current assessment needed to determine your eligibility.

NEW SECTION

WAC 388-800-0065 What are the responsibilities of ADATSA/adult assessment centers? (1) ADATSA/Adult assessment centers:

(a) Provide your diagnostic evaluation and decide your treatment placement;

(b) Conduct a face-to-face diagnostic assessment, according to WAC 388-805-310, to determine if you:

(i) Are chemically dependent;

(ii) Meet incapacity standards for treatment under WAC 388-800-0055; and

(iii) Are willing, able, and eligible to undergo a course of ADATSA chemical dependency treatment, once determined incapacitated.

(c) Determines a course of treatment based on your individual assessment of alcohol/drug involvement and treatment needs in accordance with RCW 70.96A.100.

NEW SECTION

WAC 388-800-0070 What happens after I am found eligible for ADATSA services? Once your financial and clinical eligibility is established, the assessment center:

(1) Develops your ADATSA treatment plan;

(2) Arranges all your chemical dependency treatment placements taking into account the treatment priorities described under WAC 388-800-0100;

(3) Provides you with written notification of your right to return to the community service office (CSO) at any time while receiving ADATSA treatment;

(4) Provides you with written notification of your right to request a fair hearing to challenge any action affecting eligibility for ADATSA treatment;

(5) Provides ongoing case monitoring of your treatment services; and

(6) Notifies the CSO promptly of your placement or eligibility status changes.

NEW SECTION

WAC 388-800-0075 What criteria does the assessment center use to plan my treatment? When evaluating a treatment plan which will benefit you the most, the assessment center considers clinical or medical factors utilizing the

American Society of Addiction Medicine (ASAM) Patient Placement Criteria (PPC).

NEW SECTION

WAC 388-800-0080 What are the time limits for receiving types of chemical dependency treatment through ADATSA? (1) You are limited to a maximum of six months (one-hundred eighty total calendar days) of chemical dependency treatment in a twenty-four-month period.

(2) The twenty-four-month period begins on the date of your initial entry into treatment.

(3) You are limited to the following time periods for treatment:

(a) Intensive inpatient treatment, no longer than thirty days per admission;

(b) Recovery house treatment, no longer than sixty days per admission;

(c) Long-term care residential treatment, no longer than one hundred eighty days;

(d) ADATSA outpatient treatment no longer than one hundred eighty days.

NEW SECTION

WAC 388-800-0085 Do I have to contribute to the cost of residential treatment? Once you have been determined financially eligible to receive ADATSA residential treatment services the department does not require you to contribute toward the cost of care.

NEW SECTION

WAC 388-800-0090 What happens when I withdraw or am discharged from treatment? (1) You will be terminated from ADATSA treatment services if you leave treatment.

(2) If you are discharged from treatment for any other reason, you will be referred to the next appropriate level of treatment.

(3) If you are absent from any residential treatment services for less than seventy-two hours you may reenter that program without being considered as having dropped out. This is done at the discretion of the treatment service administrator and without requiring you to apply for re-admittance through the assessment center.

(4) Once you voluntarily leave treatment you must reapply and be referred again to the assessment to receive further ADATSA treatment services.

(5) If you are terminated from treatment you are not eligible for benefits beyond the month in which treatment services end. Rules regarding advance and adequate notice still apply, but you are not eligible for continued assistance pending a fair hearing.

NEW SECTION

WAC 388-800-0100 What are the groups that receive priority for ADATSA services? (1) When assigning treatment admissions, the ADATSA/Adult assessment center:

(a) Gives first priority to you if you are a pregnant woman or a parent with a child under eighteen years old in the home;

(b) Provides priority access for admission if you are:

(i) Referred by the department's children's protective services (CPS) program; and/or

(ii) An injecting drug user (IDU).

(2) If you are completing residential treatment you have priority access to outpatient treatment.

NEW SECTION

WAC 388-800-0110 What cash benefits am I eligible for through ADATSA if I am in residential treatment?

When you are in ADATSA residential treatment and are below the department payment standard for clothing and personal incidentals (CPI) you are eligible to receive CPI.

NEW SECTION

WAC 388-800-0115 What cash benefits can I receive through ADATSA if I am in outpatient treatment? When you are in ADATSA outpatient treatment, you may be eligible for a treatment living allowance for housing and other living expenses.

(1) Your living allowance maximum amount will be based on the current ADATSA payment standard as provided under WAC 388-478-0030.

(2) Your outpatient provider will act as your protective payee and administer your living allowance.

NEW SECTION

WAC 388-800-0120 As an eligible ADATSA client, when would I get state-funded medical assistance? You are eligible for state-funded medical assistance when you are in one of the following situations:

(1) You meet the requirements in WAC 388-800-0048 and are waiting to receive ADATSA treatment services;

(2) When you are participating in ADATSA residential or outpatient treatment;

(3) You choose opiate dependency (methadone maintenance) chemical dependency treatment services instead of other ADATSA treatment, but only if these treatment services are from a state-approved, publicly funded opiate dependency/methadone maintenance program; or

(4) You meet the requirements of WAC 388-800-0135, for shelter services but choose not to receive shelter assistance.

NEW SECTION

WAC 388-800-0130 What are ADATSA shelter services? (1) Your shelter assistance in independent housing consists of a monthly shelter assistance payment through an intensive protective payee defined under WAC 388-800-0160; and

(2) You continue to receive benefits for ADATSA shelter if you request a fair hearing within the advance notice period before termination is to occur.

NEW SECTION

WAC 388-800-0135 When am I eligible for ADATSA shelter services? You are eligible for ADATSA shelter services when you meet the:

- (1) Financial eligibility criteria in WAC 388-800-0040; and
- (2) Incapacity eligibility criteria in WAC 388-800-0140.

NEW SECTION

WAC 388-800-0140 What incapacity criteria must I meet to be eligible for ADATSA shelter services? You are eligible for ADATSA shelter services when you:

- (1) Are actively addicted, meaning having used alcohol or drugs within the sixty-day period immediately preceding the latest assessment center evaluation, as determined by the ADATSA/Adult assessment center; and
- (2) Have resulting physiological or organic damage, or have resulting cognitive impairment not expected to dissipate within sixty days of sobriety or detoxification, which either:
 - (a) Limits your functioning because of physiological or organic damage that result in a significant restriction on ability to perform work activities, or
 - (b) At least a moderate impairment of your ability to understand, remember, and follow complex instructions; and
 - (c) An overall moderate impairment in your ability to:
 - (i) Learn new tasks;
 - (ii) Exercise judgment;
 - (iii) Make decisions, and
 - (iv) Perform routine tasks without undue supervision.

NEW SECTION

WAC 388-800-0145 How does the department review my eligibility for ADATSA shelter services? The department:

- (1) Redetermines your incapacity and financial and medical eligibility for ADATSA shelter every six months or more often; and
- (2) Provides you adequate and advance notice of adverse action.

NEW SECTION

WAC 388-800-0150 Who is my protective payee? Your protective payee is either:

- (1) Your outpatient treatment provider while in ADATSA treatment; or
- (2) An agency under contract with the department to provide you with intensive protective payee services if you are an ADATSA shelter client.

NEW SECTION

WAC 388-800-0155 What are the responsibilities of my protective payee? Your protective payee:

- (1) Has the authority and responsibility to make decisions about the expenditure of your outpatient treatment stipends;

(2) Encourages you to participate in the decision-making process. The amount of decision-making the protective payee allows you depends upon the level of responsibility you demonstrate; and

(3) Disburses funds to meet your basic needs of shelter, utilities, food, clothing, and personal incidentals.

NEW SECTION

WAC 388-800-0160 What are the responsibilities of an intensive protective payee? If you are receiving shelter services, your intensive protective payee provides you with case management services including, but not be limited to:

- (1) Disbursing payment for shelter and utilities, such as a check directly to the landlord, mortgage company, utility company, etc.;
- (2) Directing payment to vendors directly for goods or services provided to you including personal and incidental expenses.

NEW SECTION

WAC 388-800-0165 What happens if my relationship with my protective payee ends? If the relationship with your protective payee is terminated for any reason, the protective payee shall return any remaining funds to the department or its designee.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-240-0010	Introduction.
WAC 388-240-0020	Definitions.
WAC 388-240-1100	Detoxification services.
WAC 388-240-1200	Detoxification eligibility.
WAC 388-240-2100	ADATSA purposes and programs.
WAC 388-240-2300	ADATSA categorical eligibility.
WAC 388-240-2400	ADATSA treatment—Eligibility requirements.
WAC 388-240-2450	ADATSA treatment—Incapacity requirements.
WAC 388-240-2500	ADATSA shelter—Eligibility requirements.
WAC 388-240-2550	ADATSA shelter—Incapacity requirements.
WAC 388-240-2570	ADATSA shelter—Eligibility determination and review.
WAC 388-240-2600	ADATSA SSI referral requirements.

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WAC 388-240-3100	ADATSA assessment center—Role.
WAC 388-240-4100	ADATSA treatment limitations.
WAC 388-240-4200	ADATSA treatment terminations and reinstatements.
WAC 388-240-4400	ADATSA treatment priority groups.
WAC 388-240-4600	ADATSA treatment living allowance.
WAC 388-240-5100	ADATSA shelter services.
WAC 388-240-6100	ADATSA protective payees.

WSR 00-16-080**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 00-12—Filed July 28, 2000, 3:49 p.m.]

Date of Adoption: July 26, 2000.

Purpose: Chapter 173-15 WAC, Permits for oil and natural gas exploration establishes the basic requirements for the exploration activity permit system. This amendment makes housekeeping changes and clarifies the language without changing its intent.

Citation of Existing Rules Affected by this Order: Amending WAC 173-15-010, 173-15-020, and 173-15-030.

Statutory Authority for Adoption: RCW 90.58.550(6).

Adopted under notice filed as WSR 00-11-066 on May 15, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

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

July 26, 2000

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order DE 83-35, filed 12/12/83)

WAC 173-15-010 Authority and purpose. These rules are ~~((promulgated pursuant to))~~ adopted under RCW

90.58.550(6) for the purpose of establishing the basic requirements for the exploration activity permit system.

AMENDATORY SECTION (Amending Order DE 83-35, filed 12/12/83)

WAC 173-15-020 Definitions. The following definitions ~~((shall))~~ apply:

(1) "Department" means the department of ecology.

(2) "Exploration activity" means reconnaissance or survey work related to ~~((gather))~~ gathering information about geologic features and formations underlying or adjacent to marine waters. ~~((Such))~~ Those activities include sonic, ultrasonic, seismic, sparker, side-scan sonar, infrared, heat sensor, chemical analysis (sniffer), or other remote sensing techniques ~~((which))~~ that do not disturb the surface of the aquatic lands, as well as drilling, core sampling, or other exploratory techniques ~~((which))~~ that penetrate the beds underlying or adjacent to marine waters.

(3) "Marine waters" includes the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries. RCW 90.58.550 (1)(b).

(4) "Normal public use of the marine waters of the state" means those activities generally enjoyed by members of the public including, but not limited to, recreation, fishing (commercial and sports), navigation and commerce.

(5) "Vessel" includes ships, boats, barges, or any other floating craft. RCW 90.58.550 (1)(c).

(6) "Director" means the director of the department of ecology.

(7) "Person" means any individual, public or private corporation, agency, or other entity ~~((whatsoever))~~, except for state or federal agencies.

AMENDATORY SECTION (Amending Order DE 83-35, filed 12/12/83)

WAC 173-15-030 Exploration activity permit system. The permit system established by RCW 90.58.550 ~~((shall be))~~ is as follows:

(1) Applicability.

(a) A person ~~((desiring))~~ who desires to perform oil or natural gas exploration activities by vessel located on or within marine waters of the state shall first obtain a permit from the department.

(b) An exploration activity permit obtained under (a) of this subsection ~~((shall be))~~ is the sole permit a person is required to ~~((be obtained))~~ obtain for exploration activity under chapter 90.58 RCW.

(c) Except as provided in (b) of this subsection, nothing ~~((herein shall))~~ in this chapter may modify any powers of local governments set forth in chapter 90.58 RCW.

(2) Exploration activity permit application.

(a) Applications for an exploration activity permit ~~((shall))~~ must be supplied by the department.

(b) Applications ~~((shall))~~ must be filed with the Shorelands ~~((Division))~~ and Environmental Assistance Program,

Department of Ecology, (~~Headquarters Office~~) P.O. Box 47600, Olympia, WA 98504-7600.

(c) No application (~~shall~~) may be processed until it is deemed complete by the department.

(d) Each application for an exploration activity permit (~~shall~~) must be accompanied by a completed environmental checklist as provided in Title 197 WAC.

(3) Processing of complete application.

(a) A complete application will be forwarded to state natural resource management agencies and local governments and Indian tribes affected by the proposed exploration activity.

(b) Comments will be requested regarding the proposed exploration activity and its compatibility with the criteria established under RCW 90.58.550(2). Normally, reviewing agencies will be allowed fifteen days(~~;~~) from receipt of the application, as provided by the department, in which to submit comments to the department.

(4) Public notice.

(a) Upon receipt of a completed application, the department shall instruct the applicant to publish a notice (~~thereof~~) of the proposed exploration activity.

(b) Notices of the proposed exploration activity (~~shall~~) must be published in the newspaper of the largest general circulation within each of the counties in which the activity is proposed.

(c) Any person wishing to express views on the proposed exploration activity will be given fifteen days to comment to the department.

(d) All notices of applications for exploration activity permits shall contain, as a minimum, the information called for in the following form:

Notice of Application for Exploration Activity Permit

Notice is hereby given that (company name or institution) has filed an application for an exploration activity permit for oil and/or natural gas survey and reconnaissance work in (list major bodies of water).

The exploration activity consists of (describe survey gear, vessel, and other equipment in sufficient detail to inform public of the nature of the operation).

The exploration activity is proposed to (~~commence~~) begin on (date) and end (date).

Any person desiring to express views or to be notified of the action taken on this application should notify the department of ecology in writing of (~~his/her~~) his or her interest within fifteen days of the final date of publication of this notice, which is (date). Written comments should be mailed or delivered to the Washington Department of Ecology, (~~Shorelands Division, Mail Stop PV 11, Olympia, WA 98504, (360) 459-6272~~) Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. (360) 407-6000. Comment period deadline is (date).

(e) (~~An affidavit that the notice has been properly published pursuant to this section shall be provided to the department by the applicant.~~) The applicant shall provide an affidavit to the department of ecology that the notice has been properly published in accordance with this section.

(5) Public hearing. A public hearing on the proposed exploration activity permit will be held by the department if it determines, upon consideration of (~~such~~) factors such as location, timing, duration, method of operation, and public comments, that a hearing would assist it in implementing the intent of RCW 90.58.550(2).

(6) Department exploration activity permit decision.

(a) The department will approve an exploration activity permit application if it determines that the proposed activity meets the criteria set forth in RCW 90.58.550(2). Exploration activities may not:

(i) Interfere materially with the normal public uses of the marine waters of the state;

(ii) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(iii) Injure the marine biota or other fish and wildlife, beds, or tidelands of the waters;

(iv) Violate water quality standards established by the department;

(v) Create a public nuisance; or

(vi) Conflict with a shoreline master program approved by the department under RCW 90.58.090 or 90.58.190.

(b) The department, as lead agency, will comply with the provisions of the State Environmental Policy Act as governed by the procedures established under chapter 43.21 RCW and its implementing rules.

(c) No application for an exploration activity permit (~~shall be approved by the department under this section which relates~~) relating to surface drilling for oil or gas in the waters of Puget Sound north to the Canadian boundary or the Strait of Juan de Fuca seaward of the ordinary high water mark may be approved by the department under this section. RCW 90.58.160.

(7) Exploration activity permit terms and conditions.

(a) The department shall place terms and conditions in the exploration activity permit as necessary to assure that the permitted activity meets the requirements of RCW 90.58.-550(2).

(b) (~~Such~~) The terms and conditions may include, but are not limited to:

(i) Geographic limits on the area of operation;

(ii) Timing of the operation;

(iii) Limitations on hours of operation;

(iv) Placement of on-board observers;

(v) Use of lead boats;

(vi) Insurance or bond; (~~and/or~~)

(vii) Fishermen (or other users group) notification procedures; or

(viii) Any combination of the terms and conditions in (b)(i) through (vii) of this subsection.

(8) Modifications of exploration activity permits. When a permittee seeks to modify an exploration activity permit, detailed maps(~~f~~) or charts and text describing the nature of the modification (~~shall~~) must be submitted to the department. Modifications to the permit may be made by the

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department when the department determines that ~~((such))~~ the changes are of a minor nature.

(9) Request for review. All requests for review of any final permit decision under RCW 90.58.550(2) and these rules are governed by the procedures established in chapter 43.21B RCW and its implementing rules.

WSR 00-16-091
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-134—Filed July 31, 2000, 2:39 p.m.]

Date of Adoption: July 28, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-001, 220-57-120, 220-57-125, 220-57-130, 220-57-135, 220-57-137, 220-57-13701, 220-57-138, 220-57-140, 220-57-145, 220-57-150, 220-57-155, 220-57-160, 220-57-165, 220-57-170, 220-57-175, 220-57-180, 220-57-181, 220-57-185, 220-57-187, 220-57-190, 220-57-195, 220-57-200, 220-57-205, 220-57-210, 220-57-215, 220-57-225, 220-57-230, 220-57-235, 220-57-240, 220-57-245, 220-57-250, 220-57-255, 220-57-260, 220-57-265, 220-57-270, 220-57-275, 220-57-280, 220-57-285, 220-57-290, 220-57-295, 220-57-300, 220-57-305, 220-57-310, 220-57-313, 220-57-315, 220-57-319, 220-57-321, 220-57-325, 220-57-326, 220-57-327, 220-57-330, 220-57-335, 220-57-340, 220-57-341, 220-57-342, 220-57-345, 220-57-350, 220-57-355, 220-57-365, 220-57-370, 220-57-375, 220-57-380, 220-57-385, 220-57-390, 220-57-395, 220-57-400, 220-57-405, 220-57-410, 220-57-415, 220-57-420, 220-57-425, 220-57-427, 220-57-430, 220-57-432, 220-57-435, 220-57-440, 220-57-445, 220-57-450, 220-57-455, 220-57-460, 220-57-462, 220-57-465, 220-57-470, 220-57-473, 220-57-475, 220-57-480, 220-57-485, 220-57-490, 220-57-493, 220-57-495, 220-57-497, 220-57-500, 220-57-502, 220-57-505, 220-57-510, 220-57-515, 220-57-520, 220-57-525, 220-57A-001, 220-57A-005, 220-57A-010, 220-57A-012, 220-57A-015, 220-57A-017, 220-57A-020, 220-57A-025, 220-57A-030, 220-57A-035, 220-57A-037, 220-57A-040, 220-57A-045, 220-57A-050, 220-57A-055, 220-57A-065, 220-57A-070, 220-57A-075, 220-57A-080, 220-57A-082, 220-57A-085, 220-57A-090, 220-57A-095, 220-57A-100, 220-57A-105, 220-57A-110, 220-57A-112, 220-57A-115, 220-57A-120, 220-57A-125, 220-57A-130, 220-57A-135, 220-57A-140, 220-57A-145, 220-57A-150, 220-57A-152, 220-57A-155, 220-57A-160, 220-57A-165, 220-57A-170, 220-57A-175, 220-57A-180, 220-57A-183, 220-57A-185, 220-57A-190, 220-56-103 and 220-56-205; amending WAC 220-56-100, 220-56-115, 220-56-116, 220-56-123, 220-56-128, 220-56-180, 220-56-190, 220-56-191, 220-56-195, 220-56-199, 220-56-350, 220-56-380, 232-12-001, 232-12-619, and 232-28-619.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

Adopted under notice filed as WSR 00-11-179 on May 24, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 15, Repealed 146.

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.

July 28, 2000

J. P. Koenings

Director

AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

WAC 220-56-100 Definitions—Personal use fishing.
(((1)) "Daily limit" means the maximum number or pounds of food fish, shellfish or seaweed of the required size of a given species or aggregate of species which a person may legally retain in a single day.

(2) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

"In the field or in transit" means any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(3) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(4) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which does not use scent and/or flavoring to attract fish.

"Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

"Bait" means any substance which attracts fish by scent and/or flavors. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which uses scent and/or flavoring to attract fish.

(5) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled or canned.

(6) The term "fresh" is defined as food fish or shellfish that are refrigerated, iced, salted or surface glazed.

(7) The term "frozen" is defined as fish or shellfish that are hard frozen throughout.

(8) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(9) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

"Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

"Spearing" or "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(10) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(11) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

(12) The term "Bonilla Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

(13) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 at the mouth of the Columbia River.

(14) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler Astoria Bridge and the Buoy 10 Line.

(15) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

(16) The term "selective gear rules" means terminal gear is limited to artificial flies with a barbless single hook or lures with a barbless single hook, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. In waters under selective gear rules, fish may be released until the daily limit is retained.)) The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached below or less than twelve inches above a buoyant lure, and all hooks must be attached within three inches of the bait or lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with a barbless single hook or lures with a barbless single hook, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-115 Angling—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line with three hooks while angling for food fish for personal use except:

(a) It is unlawful to use more than two hooks while fishing for bottomfish or halibut.

(b) It is lawful to use forage fish jigger gear as provided for in WAC 220-56-265 and squid jig gear as provided for in WAC 220-56-390.

(c) A second line using forage fish jigger gear is lawful while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(2) It shall be unlawful for any person to take, fish for or possess food fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel except as follows:

(a) It is lawful to leave the pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(b) It is lawful to use an electric power-operated reel designed for sport fishing attached to a pole.

(c) It is lawful to fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) except use of hand lines is unlawful in those waters west of the mouth of the Sekiu River, the Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(3) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

~~((4) In the following Catch Record Card Areas or designated portions during the following periods it is unlawful to use a downrigger, to use more than two ounces of weight attached to a line, or to use a lure or diver weighing more than two ounces:~~

~~(a) Area 9—August 1 through August 31.~~

~~(b) Area 10—July 1 through August 31.~~

~~(c) Area 12 north of Ayock Point—August 1 through August 31.)~~

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-56-128 Food fish fishing—Closed areas. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Thriftway Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Thriftway Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek and waters within the channel created when tidelands are exposed are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden

towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Waters (~~within 200 yards~~) of the (~~salmon net pens located near~~) Sund Rock Marine Preserve in Hood Canal are closed to the taking of food fish other than salmon at all times.

(15) Waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times except that it is lawful to fish for salmon with artificial lures only from shore or a nonmotorized vessel.

(16) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to (~~boat~~) fishing from a floating device downstream of Chief Joseph Dam to the Corps of Engineers Safety Zone Marker.

(17) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(18) Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(19) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(20) Jackson (Moran) Creek - all waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(21) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(22) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(23) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(24) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted

boundary markers located 1/4 mile on either side of the fish ladder entrance.

(25) The following conservation areas are closed year round:

- (a) Brackett's Landing Shoreline Sanctuary Conservation Area.
- (b) City of Des Moines Park Conservation Area.
- (c) Octopus Hole Conservation Area.
- (d) Orchard Rocks Conservation Area.
- (e) South 239th Street Park Conservation Area.

AMENDATORY SECTION (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

WAC 220-56-180 ((Daily limit codes.)) Salmon state-wide rules. (1) ~~((Code A: In waters having this code designation, the daily limit in any one day is six salmon not less than 12 inches in length, not more than two of these six salmon may be any combination of the following))~~ In fresh water and in Marine Areas 2-1 and 2-2, adult salmon are:

Chinook over 24 inches in length,

Coho over 20 inches in length,

Pink, chum or sockeye over 12 inches in length, and

Atlantic salmon ((no minimum length)) of any size. In these waters the minimum size for salmon is 12 inches, except no minimum size for Atlantic salmon.

(2) ~~((Code C: In waters having this code designation, the daily limit in any one day is six chinook and coho salmon in the aggregate not less than 12 inches in length or more than the following:~~

24 inches in length for chinook; 20 inches in length for coho.

(3) ~~Code D: In waters having this code designation, the daily limit in any one day is six salmon including Atlantic salmon not less than 12 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.~~

(4) ~~Code F: In waters having this code designation, the daily limit in any one day is two salmon including Atlantic salmon provided that:~~

~~((a))~~ In Marine Areas 1 through 4, except for Areas 2-1 and 2-2, chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

~~((b) During the period April 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.~~

(5) ~~Code G: In waters having this code designation, the daily limit is four salmon including Atlantic salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.~~

(6) ~~Code H: In waters having this code designation, the daily limit in any one day is three salmon including Atlantic salmon provided that:~~

PERMANENT

(a)) (3) In Marine Areas 5 through 13, chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

((b) During the period April 16 through June 15 in Catch Record Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(e) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily limit may be chinook, except the daily limit in Catch Record Card Area 12 is three salmon of any species.

(d) During the period July 1 through September 30 the daily limit is 2 salmon of any species in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, and 9.

(7) Code I: In waters having this code designation, the daily and possession limits, size restrictions, and opening and closing dates are the same as those for trout (except Lake Chelan) as regulated under Title 77 RCW by the Washington fish and wildlife commission. A salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(8)) (4) The salmon possession limit ((in all waters regulated under Daily Limits A, C, D, F, G, H, and special daily limits)) shall not exceed the equivalent of two daily limits in fresh form. An additional 40 pounds of salmon may be possessed in frozen or processed form.

((9)) (5) In all areas where the daily limit allows adult salmon to be taken, it is unlawful to continue to fish for salmon after the adult portion of the daily limit has been retained.

(6) Where landlocked salmon rules apply, no sport catch record card is required for salmon, the season, daily limit, and size and gear restriction rules for salmon are the same as trout rules. The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-190 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180:

(1) Catch Record Card Area 1 - ((Special)) Daily limit of two salmon not more than one of which may be a chinook salmon, except release wild coho salmon((- special cumulative limit of six salmon in any Sunday through the following Thursday period)) - Sundays through Thursdays only, July ((+9)) 10 through September 30, except closed in the Columbia River Mouth Control Zone 1, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line - ((Special)) Daily limit of two salmon only one of which may be a chinook salmon, except release wild coho salmon((- special cumulative limit of six salmon in any Sunday through the following Thursday period)) - Sundays through Thursdays only, July ((+9)) 3 through September 30, except closed ((0-3 miles offshore August 22 through September 30)) July 3 through August 10

inside a line from the Westport Light (46° 53.30N, 124° 07.01W) to Grays Harbor Buoy 2 to Grays Harbor Buoy 3 to the Grays Harbor North Jetty and Catch Record Card Area 2-2 west of the Buoy 13 line closed during this period.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line) (a) ((Special)) Daily limit of six salmon, not more than two of which may be adult salmon except ((release)) no more than one of which may be a wild adult ((chinook)) coho - September ((+6)) 1 through October 31. ((Single point barbless hooks required.))

Westport Boat Basin and Ocean Shores Boat Basin: ((Special)) Daily limit of six salmon not more than four of which may be adult salmon - August 16 through January 31. ((Barbed hooks are allowed.))

(4) Willapa Bay (Catch Record Card Area 2-1) ((Special)) Daily limit of six salmon, not more than two of which may be adult salmon and release wild coho salmon - August 16 through January 31. ((Single point barbless hooks required.))

(5) Catch Record Card Area 3 - ((Special)) Daily limit of two salmon except no more than one of which may be a chinook and release wild coho salmon - July ((+9)) 3 through September 30.

(6) Catch Record Card Area 4 - ((Special)) Daily limit of two salmon except ((release)) no more than one of which may be a chinook salmon and release wild coho salmon - July ((+9)) 3 through September 30.

(7) Minimum size 24 inches for chinook salmon and 16 inches for coho salmon except minimum size 12 inches for chinook and coho salmon in Areas 2-1, 2-2 and the Westport Boat Basin and Ocean Shores Boat Basin. No minimum size for other salmon.

(8) For purposes of this section, adult chinook salmon are 24 inches or greater in length and adult coho salmon are 20 inches or greater in length.

AMENDATORY SECTION (Amending Order 99-215, filed 12/16/99, effective 1/16/00)

WAC 220-56-191 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, ((sizes,)) and for the species designated in this section and sizes as defined in ((the daily limit codes)) in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190. ((In all fisheries provided for in this section, chinook salmon minimum size 22 inches and no minimum size for other salmon.))

(1) Catch Record Card Areas 5 and 6 -

(a) August 1 through September 30, ((special)) daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

(b) Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp open only October 1 through October 31 - ((Special)) Daily limit of 2 coho salmon, release all salmon except coho salmon.

(c) November 1 through November 30 - ~~((Special))~~ Daily limit of 2 salmon of which no more than one may be a chinook salmon and release all coho salmon.

(d) February 16 through April 10 - ~~((Special))~~ Daily limit of 1 salmon.

(2) Catch Record Card Area 7:

(a) July 1 through September 30 - ~~((Special))~~ Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(b) October 1 through October 31 - ~~((Special))~~ Daily limit of 2 salmon, except release chinook salmon.

(c) November 1 through November 30 - ~~((Special))~~ Daily limit of 2 salmon, no more than one of which may be a chinook salmon.

(d) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

(e) Notwithstanding the provisions of this subsection during the period August 16 through October 31 the ~~((special))~~ daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon no more than 1 of which may be chinook.

(3) Catch Record Card Area 8-1:

(a) September 1 through October 31 - ~~((Special))~~ Daily limit of 2 salmon except release chinook ~~((and pink))~~ salmon.

(b) November 1 through November 30 - ~~((Special))~~ Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

(4) Catch Record Card Area 8-2:

(a) ~~((August 1))~~ September 16 through October 31 - ~~((Special))~~ Daily limit of 2 salmon except release chinook salmon.

(b) Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following Monday, ~~((August 1))~~ July 14 through September 30. ~~((Special))~~ Daily limit of 2 salmon not more than 1 of which may be a chinook salmon.

(c) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

(5) Catch Record Card Area 9:

(a) ~~((August))~~ September 1 through ~~((October 31))~~ September 15 - ~~((Special))~~ Daily limit of 2 salmon except release chinook ~~((salmon the entire time))~~ and ~~((release))~~ chum salmon ~~((August 1 through September 30)).~~

(b) October 1 through October 31 - Daily limit of 2 salmon except release chinook.

(c) November 1 through November 30 - ~~((Special))~~ Daily limit of 2 salmon not more than one of which may be a chinook salmon.

~~((e))~~ (d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds Fishing Pier - ~~((Special))~~ Daily limit of 2 salmon not more than one of which may be a chinook salmon.

~~((d))~~ (e) Notwithstanding the provisions of this section, salmon fishing is permitted ~~((May 1 through June 30 and August))~~ September 1 through ~~((April))~~ June 30 from the

Hood Canal Bridge Fishing pontoon - ~~((Special))~~ Daily limit of 2 salmon not more than one of which may be a chinook salmon, and release chum salmon ~~((August))~~ September 1 through September 30~~((, and release chinook August 1 through August 31)).~~

~~((e))~~ (f) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

(6) Catch Record Card Area 10:

(a) July 1 through September 15 and October 1 through October 31 - ~~((Special))~~ Daily limit of 2 salmon except release chinook salmon, and:

(i) During the period July 1 through August ~~((16))~~ 15, Elliott Bay east of a line from West Point to Alki Point is closed, except waters east of a line from Pier 91 to Duwamish Head open noon August ~~((6))~~ 4 to noon August ~~((9))~~ 7 and noon August ~~((13))~~ 11 to noon August ~~((16))~~ 14 - ~~((Special))~~ Daily limit of 2 salmon not more than one of which may be a chinook salmon. ~~((The 2-ounce weight restriction does not apply in this subsection.))~~

(ii) During the period July 1 through October 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period ~~((August 1))~~ July 16 through September ~~((30))~~ 15, waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true ~~((east from Hahe State Park))~~ west from Battle Point and west of a line projected true south from Point White - ~~((Special))~~ Daily limit of 2 salmon ~~((not more than one of which may be a chinook salmon)).~~ ~~((The 2-ounce weight restriction does not apply in this subsection.))~~

(iv) During the period July 1 through August 31 waters east of a line from Point Wells to Meadow Point are closed.

(b) November 1 through November 30 - ~~((Special))~~ Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(c) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

(d) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86 and Seacrest Pier - ~~((Special))~~ Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(7) Catch Record Card Area 11.

(a) June 1 through ~~((November 30))~~ September 15 - Daily limit of 2 salmon not more than one of which may be a chinook salmon ~~((and release pink salmon)).~~

(b) September 16 through October 15 - Daily limit of one salmon.

(c) October 16 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.

(d) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

~~((e))~~ (e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Dash Point Dock and the Point Defiance Boathouse Dock - ~~((Special))~~ Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(8) Catch Record Card Area 12:

(a) July 1 through August 31 in waters south of Ayock Point - ~~((Special))~~ Daily limit of 2 salmon, not more than one

of which may be a chinook salmon and release chum ~~((and pink))~~ salmon.

(b) ~~((August 1 through August 31 in waters north of Ayock Point—Special daily limit of 4 salmon except release chinook, chum and pink salmon.))~~ August 16 through October 15 in waters north of a true east-west line from Point Whitney to the Toandos Peninsula only - Daily limit of 4 salmon except release chinook and chum.

(c) September 1 through October 15 - ~~((Special))~~ Daily limit of ((4)) 2 salmon except release chinook((;)) and chum ((and pink)) salmon.

(d) October 16 through December 31 - ~~((Special))~~ Daily limit of ((4)) 2 salmon, not more than one of which may be a chinook salmon.

(e) February 16 through April 10 - ~~((Special))~~ Daily limit of 1 salmon.

(f) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(g) The Hood Canal Bridge fishing pier is managed under Area 9.

(9) Catch Record Card Area 13:

(a) May 1 through December 31 - ~~((Special))~~ Daily limit of 2 salmon not more than one of which may be a chinook salmon May 1 through June 30 and November 1 through December 31 and release wild coho salmon July 1 through October 31.

(b) January 1 through February 15 - Release all salmon.

(c) February 16 through April 10 - ~~((Special))~~ Daily limit of one salmon.

(d) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island Public Fishing Pier - ~~((Special))~~ Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling ~~((April 16))~~ May 1 through July 31 and September 16 through October 15.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling ~~((April 16))~~ August 1 through September ((30)) 15.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red buoy, and then to the Port Williams boat ramp are closed to salmon angling April 16 through September 30 and November 1 through April 15.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August ((4)) 16 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed June 1 through July 31 and April 1 through April 10.

(7) Whidbey Island and mainland shores in Areas 5 and 6. Those waters of Catch Record Card Areas 5 and 6 within 3/4 mile of the shores of the mainland and Whidbey Island are closed to salmon angling August 1 through August 31 when angling from boats.

(8) Rosario Strait and eastern Strait of Juan de Fuca:

(a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a straight line running from ((Lawrence Point on Orcas Island)) shore through Lummi Rocks Buoy((; then from Lawrence Point along the southeasterly shore of Orcas Island to Deer Point)) to Peapod Rocks buoy, then to Lydia Shoal buoy, then to the easternmost point of Obstruction Island, then true south to Blakely Island, and south along the Blakely Island shore to the southernmost point on Blakely Island, then across Thatcher Pass to Fautleroy Point, then along the eastern

shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true west from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

(b) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to the Bird Rocks Buoy, then true west from Bird Rocks Buoy to Decatur Island, and then along the eastern shore of Decatur Island to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true west from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon August 1 - September 30.

NEW SECTION

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

Old WAC Number	New WAC Number
220-56-190	232-28-620
220-56-191	232-28-621

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-103	Definitions—Landlocked chinook and coho.
WAC 220-56-205	Hook rules—Nonbuoyant lures and night closures.

AMENDATORY SECTION (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

WAC 220-56-116 Salmon—((Barbless)) Marine waters hook(s) rules. (1) It is unlawful to use barbed hooks while angling for salmon in all marine waters of Puget Sound, the Pacific Ocean, Grays Harbor, Willapa Bay, and waters at the mouth of the Columbia River westerly of a line drawn true north-south through Buoy 10.

(2) It is unlawful to fish for salmon in Catch Record Card Areas 1 through 4 except with single point barbless hooks other than in the Westport and Ocean Shores boat basins, which have special terminal gear restrictions as provided for in WAC 220-56-123.

AMENDATORY SECTION (Amending Order 99-102, filed 7/20/99, effective 8/20/99)

WAC 220-56-123 Unlawful provisions—Westport and Ocean Shores Boat Basins. During the period August 16 through January 31, in the waters of the Westport and Ocean Shores Boat Basins:

(1) It is unlawful to fish for or possess salmon taken for personal use using any gear other than the gear provided for in this section:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook may not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have no more than two single hooks each of which may not exceed 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

AMENDATORY SECTION (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

WAC 220-56-199 Closed areas—Chinook salmon angling. ~~((East San Juan Islands—During the period August 16 through September 30,)) Chinook ((release required south and east of the following line: A line running west from Sandy Point to Johnson Point at the easternmost tip of Suecia Island, then south to Point Thompson on northern Oreas Island, then southeast along Oreas Island around Lawrence Point following the shoreline southwest to Deer Point, then due south to Blakely Island, and south following the shoreline of Blakely Island to the southernmost point on Blakely Island, then across Thatcher Pass to Fauntleroy Point, and along the eastern shore of Decatur Island to the southernmost point on Decatur Island, across Lopez Pass and following the shore of Lopez Island to Point Colville, along the southern shoreline of Lopez Island to Iceberg Point, and from Iceberg Point northwest to Long Island, and then due south from Long Island to the intersection with the Area 6/7 boundary line. See Bellingham Bay Fishery for exception)) only closures - None.~~

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year

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except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Ben Ure Spit: Open January 1 through May 31.
- (b) Brown Point (DNR 57-B): Open January 1 through June 30.
- (c) Cama Beach State Park: Closed the entire year.
- (d) Camano Island State Park: Open May 16 through June 15.
- (e) Cline Spit: Closed the entire year.
- (f) Cutts Island State Park: Open January 1 through June 15.
- (g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:
 - (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
 - (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.
 - (iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.
- (h) Dosewallips State Park: Open March 1 through May 31 only in area defined by boundary markers and signs posted on the beach.
- (i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.
- (j) Dungeness Spit - Open May 15 through September 30.
- (k) Eagle Creek: Open January 1 through April 30.
- (l) Fort Flagler State Park: Open April 1 through June 30.
- (m) Frye Cove - Open January 1 through May 31.
- (n) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.
- (o) Gertrude Island - All tidelands at Gertrude Island closed the entire year.
- (p) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.
- (q) Hope Island State Park (South Puget Sound): Closed the entire year.
- (r) Illahee State Park: Open May 1 through May 31.
- (s) Kayak Point County Park: Closed the entire year except mussels open the entire year.
- (t) Kitsap Memorial State Park: Open June 1 through June 15.
- (u) Kopachuck State Park: May 1 through May 15.
- (v) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.
- (w) McNeil Island - All tidelands on McNeil Island are closed the entire year.
- (x) Mukilteo State Park - Closed the entire year.
- (y) Mystery Bay State Park: Open October 1 through April 30.
- (z) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.
 - (aa) North Sequim Bay State Park - Open May 16 through June 15.
 - (bb) Oak Bay County Park: Open June 1 through July 15.
 - (cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:
 - (i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.
 - (ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.
 - (iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open March 1 through September 30.
 - (iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.
 - (dd) Penrose Point State Park: Closed the entire year.
 - (ee) Picnic Point County Park: Closed the entire year.
 - (ff) Pillar Point County Park: Open November 1 through April 30.
 - (gg) Pitship Point: Closed the entire year.
 - (hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.
 - (ii) Point Whitney (excluding Point Whitney Lagoon): May 16 through May 31.
 - (jj) Point Whitney Lagoon: Open June 1 through June 15.
 - (kk) Port Townsend Ship Canal: Open April 1 through June 15.
 - (ll) Potlatch DNR tidelands: Open March 1 through June 30.
 - (mm) Potlatch East: Open March 1 through June 30.
 - (nn) Potlatch State Park: Open March 1 through June 30.
 - (oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.
 - (pp) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through September 30, daily from official sunrise to official sunset only.
 - (qq) Rendsland Creek: Open January 1 through April 30.
 - (rr) Saltwater State Park: Closed the entire year.

- (ss) Samish Island Recreation Area - Open January 1 through June 15.
 - (tt) Scenic Beach State Park - Open April 16 through June 15.
 - (uu) Seahurst County Park: Closed the entire year.
 - (vv) Sequim Bay State Park - Open May 1 through June 30.
 - (ww) Shine Tidelands: Open January 1 through April 30.
 - (xx) South Indian Island County Park: Open January 1 through April 30.
 - (yy) Spencer Spit State Park: Open April 1 through July 31.
 - (zz) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.
 - (aaa) Triton Cove Oyster Farm: Open July 1 through August 15.
 - (bbb) Triton Cove State Park: Open April 1 through June 30.
 - (ccc) Twanoh State Park: Closed the entire year.
 - (ddd) West Dewatto: DNR Beach 44A is open January 1 through March 31.
 - (eee) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.
 - (fff) Wolfe Property State Park: Open January 1 through June 15.
- (2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.
- (3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Brown Point: (~~Open~~) Closed the entire year.
- (b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:
 - (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
 - (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.
 - (iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open March 1 through July 31 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Eagle Creek: Open January 1 through May 31.

(f) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(g) Illahee State Park: Open May 1 through May 31.

(h) Kitsap Memorial State Park: Open June 1 through July 15.

(i) Kopachuck State Park: Open May 1 through May 31.

(j) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(k) Mystery Bay: Open October 1 through April 30.

(l) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(m) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(ii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(n) Penrose Point State Park: Open May 1 through June 30.

(o) Point Whitney (excluding Point Whitney Lagoon): Open April 1 through July 15.

(p) Potlatch East: Open March 1 through June 30.

(q) Potlatch State Park: Open March 1 through June 30.

(r) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through September 30, daily from official sunrise to official sunset, only.

(s) Scenic Beach State Park: Open April 16 through July 15.

(t) Triton Cove Oyster Farm: Open May 1 through August 30.

(u) Triton Cove State Park: Open April 1 through June 30.

(v) West Dewatto: DNR Beach 44A is open January 1 through August 31.

(w) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(x) Wolfe Property State Park: Open January 1 through June 15.

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(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 220-57-001 Freshwater seasons and daily limits.
- WAC 220-57-120 Bear River.
- WAC 220-57-125 Big Beef Creek.
- WAC 220-57-130 Bogachiel River.
- WAC 220-57-135 Calawah River.
- WAC 220-57-137 Carbon River.
- WAC 220-57-13701 Cascade River.
- WAC 220-57-138 Chambers Creek.
- WAC 220-57-140 Chehalis River.
- WAC 220-57-145 Cispus River.
- WAC 220-57-150 Clallam River.
- WAC 220-57-155 Clearwater River (Jefferson County).
- WAC 220-57-160 Columbia River.
- WAC 220-57-165 Copalis River.
- WAC 220-57-170 Coweeman River.
- WAC 220-57-175 Cowlitz River.
- WAC 220-57-180 Curley Creek (Kitsap County).
- WAC 220-57-181 Dakota Creek.
- WAC 220-57-185 Deep Creek (Clallam County).
- WAC 220-57-187 Deep River (Wahkiakum County).
- WAC 220-57-190 Deschutes River.
- WAC 220-57-195 Dewatto Creek.
- WAC 220-57-200 Dickey River.
- WAC 220-57-205 Dosewallips River.
- WAC 220-57-210 Duckabush River.
- WAC 220-57-215 Dungeness River.
- WAC 220-57-225 East Twin River.
- WAC 220-57-230 Elk River.
- WAC 220-57-235 Elochoman River.
- WAC 220-57-240 Elwha River.

- WAC 220-57-245 Grande Ronde River.
- WAC 220-57-250 Grays River.
- WAC 220-57-255 Green River (Cowlitz County).
- WAC 220-57-260 Green (Duwamish) River (King County).
- WAC 220-57-265 Hamma Hamma River.
- WAC 220-57-270 Hoh River.
- WAC 220-57-275 Hoko River.
- WAC 220-57-280 Hoquiam River—All forks.
- WAC 220-57-285 Humptulips River.
- WAC 220-57-290 Icicle River.
- WAC 220-57-295 Joe Creek (Grays Harbor County).
- WAC 220-57-300 Johns River.
- WAC 220-57-305 Kalaloch Creek.
- WAC 220-57-310 Kalama River.
- WAC 220-57-313 Kennedy Creek.
- WAC 220-57-315 Klickitat River.
- WAC 220-57-319 Lewis River.
- WAC 220-57-321 Little White Salmon River (Drano Lake).
- WAC 220-57-325 Lyre River.
- WAC 220-57-326 McAllister Creek.
- WAC 220-57-327 McLane Creek.
- WAC 220-57-330 Morse Creek (Clallam County).
- WAC 220-57-335 Naselle River.
- WAC 220-57-340 Nemah River.
- WAC 220-57-341 Newaukum River—Including south fork.
- WAC 220-57-342 Niawiakum River.
- WAC 220-57-345 Nisqually River.
- WAC 220-57-350 Nooksack River.
- WAC 220-57-355 North River.
- WAC 220-57-365 Palix River.
- WAC 220-57-370 Puyallup River.
- WAC 220-57-375 Pysht River.
- WAC 220-57-380 Quilcene (Big Quilcene) River.
- WAC 220-57-385 Quillayute River.
- WAC 220-57-390 Quinault River.

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WAC 220-57-395	Salmon Creek (Clark County).	<u>REPEALER</u>	
			The following chapter of the Washington Administrative Code is repealed:
WAC 220-57-400	Salmon River (Jefferson County).	WAC 220-57A-001	General provisions—Lakes.
WAC 220-57-405	Samish River.	WAC 220-57A-005	American Lake (Pierce County).
WAC 220-57-410	Sammamish River (Slough).	WAC 220-57A-010	Armstrong Lake (Snohomish County).
WAC 220-57-415	Satsop River—Mainstem and east fork.	WAC 220-57A-012	Baker Lake (Whatcom County).
WAC 220-57-420	Sekiu River.	WAC 220-57A-015	Banks Lake (Grant County).
WAC 220-57-425	Skagit River.	WAC 220-57A-017	Big Lake (Skagit County).
WAC 220-57-427	Skamokawa Creek.	WAC 220-57A-020	Bosworth Lake.
WAC 220-57-430	Skokomish River.	WAC 220-57A-025	Campbell Lake (Skagit County).
WAC 220-57-432	Skookumchuck River.	WAC 220-57A-030	Capitol Lake.
WAC 220-57-435	Skykomish River.	WAC 220-57A-035	Chelan Lake (Chelan County).
WAC 220-57-440	Smith Creek (Pacific County).	WAC 220-57A-037	Clear Lake (Pierce County).
WAC 220-57-445	Snake River.	WAC 220-57A-040	Cushman Lake (Mason County).
WAC 220-57-450	Snohomish River.	WAC 220-57A-045	Davisson Lake (Riffe) (Lewis County).
WAC 220-57-455	Snoqualmie River.	WAC 220-57A-050	Deep Lake (Grant County).
WAC 220-57-460	Sol Duc River.	WAC 220-57A-055	Deep Lake (King County).
WAC 220-57-462	Soos Creek.	WAC 220-57A-065	Duck Lake (Grays Harbor County).
WAC 220-57-465	Stillaguamish River.	WAC 220-57A-070	East Medical Lake (Spokane County).
WAC 220-57-470	Tahuya River.	WAC 220-57A-075	Flowing Lake (Snohomish County).
WAC 220-57-473	Tilton River.	WAC 220-57A-080	Goodwin Lake (Snohomish County).
WAC 220-57-475	Tolt River.	WAC 220-57A-082	(Upper) Goose Lake (Grant County).
WAC 220-57-480	Toutle River—North Fork.	WAC 220-57A-085	Green Lake (King County).
WAC 220-57-485	Tucannon River.	WAC 220-57A-090	Hewitt Lake (Thurston County).
WAC 220-57-490	Union River.	WAC 220-57A-095	Hicks Lake (Thurston County).
WAC 220-57-493	Wallace River.	WAC 220-57A-100	Lower Goose Lake (Grant County).
WAC 220-57-495	Washougal River.	WAC 220-57A-105	Martha Lake (Snohomish County).
WAC 220-57-497	Wenatchee River.	WAC 220-57A-110	Mayfield Lake (Lewis County).
WAC 220-57-500	West Twin River.		
WAC 220-57-502	Whatcom Creek.		
WAC 220-57-505	White Salmon River.		
WAC 220-57-510	Willapa River.		
WAC 220-57-515	Wind River.		
WAC 220-57-520	Wishkah River.		
WAC 220-57-525	Wynoochee River.		

WAC 220-57A-112	McMurray Lake (Skagit County).
WAC 220-57A-115	Meridian Lake (King County).
WAC 220-57A-120	Merwin Lake (Reservoir).
WAC 220-57A-125	Ozette Lake.
WAC 220-57A-130	Park Lake (Grant County).
WAC 220-57A-135	Roesiger Lake.
WAC 220-57A-140	Roosevelt Lake (Ferry County).
WAC 220-57A-145	Sammamish Lake.
WAC 220-57A-150	Serene Lake (Snohomish County).
WAC 220-57A-152	Shannon Reservoir (Skagit County).
WAC 220-57A-155	Shoecraft Lake (Snohomish County).
WAC 220-57A-160	Sprague Lake (Lincoln County).
WAC 220-57A-165	St. Clair (Thurston County).
WAC 220-57A-170	Storm Lake (Snohomish County).
WAC 220-57A-175	Lake Washington.
WAC 220-57A-180	Washington Ship Canal, Lake (including Lake Union).
WAC 220-57A-183	Lake Wenatchee.
WAC 220-57A-185	Wilderness Lake (King County).
WAC 220-57A-190	Wynoochee Reservoir (Grays Harbor County).

required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

~~((5))~~ "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.

~~(6))~~ (2) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

~~((7))~~ (3) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

~~((8))~~ (4) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

~~((9))~~ "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in fresh water.

~~(10)~~ "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

~~(11)~~ "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

~~(12)~~ "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

~~(13)~~ "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

~~(14)~~ "Catch and release" means a type of angling where none of the fish caught are retained by the angler.

~~(15)~~ "Fish in possession" means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

~~(16)~~ "Mouth" of stream, river, or slough means those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

~~(17)~~ Fish length means the length of a fish measured from snout to tip of tail not fork.

~~(18)~~ Slough means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

~~(19)~~ "In the field or in transit" means any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

AMENDATORY SECTION (Amending Order 99-13, filed 3/30/99, effective 5/1/99)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) ~~("Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.~~

~~(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.~~

~~(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.~~

~~(4))~~ A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is

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~~(20) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from May 1, 1998, through April 30, 1999; May 1, 1999, through March 31, 2000; and thereafter April 1st through the following March 31st.~~

~~(21) "Wild steelhead" means a steelhead trout that does not have the adipose or a ventral fin removed and a healed scar at the removal site.~~

~~(22) "Fresh" means game fish that are refrigerated, iced, salted, or surface glazed.~~

~~(23) "Frozen" means a game fish that is hard frozen throughout.~~

~~(24) "Processed" means a game fish that has been processed by heat for human consumption as kippered, smoked, boiled or canned.~~

~~(25) "Juvenile" means a person under fifteen years old.~~

~~(26) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.~~

~~(27) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.)~~

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 232-12-619 Permanent Washington state-wide game fish ((regulations)) rules. The following state-wide ((regulations)) rules apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day and fishing is allowed 24 hours per day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or ((special regional regulations)) exceptions to state-wide rules.

(3) Seasonal steelhead limit: Each angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead April 1st through the following March 31st.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) ~~((Selective gear rules: In waters designated as being under selective gear rules, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.~~

~~(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.~~

~~(7)) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.~~

~~((8)) (6) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.~~

~~((9)) (7) Free fishing weekend: The Saturday and Sunday following the first Monday in June is declared as free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities, except that it is unlawful to fish for or possess steelhead trout without the required catch record card. During free fishing weekend only the licensing requirement is affected, and all other rules remain in effect.~~

~~((10)) (8) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.~~

~~((11)) (9) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.~~

~~((12)) (10) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of five hooks may be used.~~

~~((13)) (11) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no catch record card is required.~~

~~((14)) (12) OPEN SEASONS:~~

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.
RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April opens for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

~~((15)) (13) Daily limits and minimum sizes:~~

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT	Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.									
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None	<table border="0"> <tr> <td data-bbox="828 261 933 282">WALLEYE</td> <td data-bbox="1041 261 1256 353">Five, not more than one over twenty-four inches</td> <td data-bbox="1310 261 1487 288">Eighteen inches</td> </tr> <tr> <td></td> <td colspan="2" data-bbox="1041 363 1256 553">Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.</td> </tr> </table>	WALLEYE	Five, not more than one over twenty-four inches	Eighteen inches		Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.				
WALLEYE	Five, not more than one over twenty-four inches	Eighteen inches										
	Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.											
GRASS CARP.... It is unlawful to fish for or retain grass carp. TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.	None in Lakes, Ponds, and Reservoirs.	<table border="0"> <tr> <td data-bbox="828 578 940 598">WHITEFISH</td> <td data-bbox="1041 578 1114 598">Fifteen</td> <td data-bbox="1310 578 1367 598">None</td> </tr> <tr> <td data-bbox="828 629 945 684">ALL OTHER GAME FISH</td> <td data-bbox="1041 629 1138 649">No Limit</td> <td data-bbox="1310 629 1367 649">None</td> </tr> <tr> <td data-bbox="828 705 948 725">BULLFROGS</td> <td data-bbox="1041 705 1138 725">No Limit</td> <td data-bbox="1310 705 1367 725">None</td> </tr> </table>	WHITEFISH	Fifteen	None	ALL OTHER GAME FISH	No Limit	None	BULLFROGS	No Limit	None
WHITEFISH	Fifteen	None										
ALL OTHER GAME FISH	No Limit	None										
BULLFROGS	No Limit	None										
EASTERN BROOK TROUT (Salvelinus fontinalis)	No more than two of the trout daily catch limit of 5 may be Steelhead. Five - to be considered part of the trout daily catch limit.	Eight inches in Rivers, Streams, and Beaver Ponds. None	<p data-bbox="828 752 1487 809">(((16))) (14) Seasonal wild steelhead limits. From April 1st through the following March 31st:</p> <p data-bbox="828 813 1487 895">(a) It is unlawful for any person to retain more than two wild steelhead from the Hoh River, including the mainstem, south fork and tributaries thereto.</p> <p data-bbox="828 899 1487 981">(b) It is unlawful for any person to retain more than ten wild steelhead in the aggregate from all of the following rivers and tributaries thereto:</p> <p data-bbox="871 985 1087 1136">(i) Bogachiel River. (ii) Calawah River. (iii) Dickey River. (iv) Sol Duc River. (v) Quillayute River.</p> <p data-bbox="828 1140 1487 1197">(c) It is unlawful for any person to retain more than ten wild steelhead from the Clearwater River.</p>									
BURBOT	Five	None	(((17))) (15) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.									
CHANNEL CATFISH	Five if taken from lakes, ponds or reservoirs.	Twelve inches if taken in lakes, ponds or reservoirs with no more than one greater than 24 inches in length.	(((18))) River mouths. River mouths that differ from the general definition are defined in WAC 220-56-105.									

(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Grayling
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) Wild steelhead release is required year-round.

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

~~(19) Nonbuoyant lure and night closure restriction: In the waters defined in WAC 220-56-205 and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect.~~

~~(20) Landlocked chinook and coho. In the waters defined in WAC 220-56-103 chinook and coho salmon are defined as landlocked. A freshwater license is required to fish for these species and a catch record card is not required. Season, daily limit and size restriction rules for landlocked chinook and coho are the same as trout rules except Lake Chelan. The angler's combined catch of trout and landlocked salmon applies towards the trout limit.)~~

(16) Marine waters rules: These rules 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

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(usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below):

(a) Fishing hours: Twenty-four hours per day year around except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a sport catch record card, is required to fish for game fish including steelhead in marine waters. All steelhead taken from marine areas shall be entered on the catch record card using the words Marine Area and followed by the appropriate marine area code number.

(c) Gear restrictions: Angling gear only, and in those waters of Area 10 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. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(d) All species: Release all fish except up to two hatchery steelhead may be retained per day.

AMENDATORY SECTION (Amending Order 00-29, filed 3/29/00, effective 5/1/00)

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to state-wide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to state-wide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to state-wide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to state-wide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

((2)) (3) Specific freshwater exceptions to state-wide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season.

Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Alder Lake (Reservoir) (Pierce/Thurston counties): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

American River (Yakima County): Selective gear rules.

Ancient Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): From the mouth to Baker River fish barrier dam: Closed waters June 1 through August 31.

Ballinger Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. ~~((All species: Release all fish.))~~ Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required ~~((July 1))~~ August 16 through ((January 31)) November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish:

Release all fish. Salmon: Open only October 16 through November 30. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild adult coho and wild adult chinook.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

~~((Beaver Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.))~~

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beaver Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

~~((Blooms Ditch (Thurston County): Selective gear rules. Trout: Minimum length twelve inches. Release wild cut-throat.))~~

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Non-buoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Pond (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Terminal gear limited to one single hook. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Canyon Creek (~~((Klickitat))~~ Clark County): Trout: Daily limit five.

Canyon Creek (Mason County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through ~~((July))~~ March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. ~~((Additional))~~ August 1 through March 31 ~~((season-Trout))~~ daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Wild steelhead may be retained December 1 through January 31. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release chum.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

~~((From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February:))~~

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only October 1 through November 30. Daily limit 2 salmon. Release wild coho.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to ~~((junction of Chelatchie Creek))~~ Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November

15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from ~~((Union Pacific Railroad))~~ Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required ~~((October))~~ September 1 through ((October 31)) November 15 upstream from mouth to Porter Bridge and ~~((September))~~ October 16 through ((October 31)) November 15 from the Porter Bridge to the high bridge. Trout: Minimum length fourteen inches. Salmon: Open only May 1 through July 31 from mouth to high bridge. September 1 through November 15 from mouth to Porter Bridge, and October 16 through November 15 from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September 1 through November 15 the daily limit may contain no more than one wild adult coho and one adult chinook.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

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.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two ~~((except south of Fields Point May 15 through September 30 daily limit 5, not more than two of which may be over))~~ 15 inches ~~((in length. Trout))~~ minimum except ~~((kokanee minimum length 15 inches except south))~~ May 15 through September 30 east of Fields Point daily limit 5, minimum length 8 inches ~~((May 15 through September 30))~~ no more than 2 over 15 inches in length. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Landlocked salmon rules apply, except minimum length 15 inches. Burbot: Set line gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective gear rules.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Chimacum Creek (Jefferson County):

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.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Additional season November 1 through May 31, steelhead only. Release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon January 1 through September 30 and no more than 4 fish may be adult salmon October 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Land-locked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild adult chinook.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit (~~one~~) two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cut-throat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around season. Trout: Daily limit five fish, not more than two of

which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

From bridge at Valley upstream and tributaries: Selective gear rules.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Lagoon (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

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.

From a true north-south line through Buoy 10 to ~~((the Megler Astoria Bridge))~~ a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through September 30 daily limit 2 salmon, except the daily limit may contain no more than 1 chinook. Release chum, sockeye, wild coho, and chinook less than 24 inches in length and coho salmon less than 16 inches in length. October 1 through March 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the ~~((Megler Astoria Bridge))~~ Rocky Point - Tongue Point line to the I-5 Bridge: Closed waters: 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. Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than

eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only August 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 release chinook within waters east of a line from the northern tip of Bachelor Island to the lighthouse at Warrior Rock to Sand Island to a navigation marker 1/2 mile off the northwest tip of Sand Island and then to marker No. 77 on the Washington shore.

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: 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 wing wall of the boat lock near the Washington shore. Drano Lake: August 1 through December 31: Nonbuoyant lure restriction (~~as provided in WAC 220-56-205(4))~~). September 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only August 1 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho except wild coho may be retained in the daily limit from The Dalles Dam to McNary Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E ~~except Ringold Hatchery waters~~: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout (~~except May 1 through August 15 in those waters from the Ringold Hatchery from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek when fishing from the bank on the hatchery side of the river~~). Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. Ringold Hatchery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only May 15 through July 31 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon: Daily limit 2 fish.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August

16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release wild coho.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: 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 mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. ~~((All species: June 1 through March 31 season.))~~ Trout: Release all trout. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except November 1 through December 31 release adult salmon. Release wild coho.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: 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 - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to ~~((boat))~~ fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Salmon: Open only September 16 through December 31 from Priest Rapids Dam to Rocky Reach Dam. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year around season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Cow Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. 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. Trout: Daily limit five, minimum length eight inches. Salmon: Landlocked salmon rules apply.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. 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. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All ~~((species))~~ game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open only August 1 through April 30 mouth to Barrier Dam. Daily limit 6 fish of which no more than 2 may be adult salmon, except May 1 through May 31 daily limit one fish and October 1 through December 31 daily limit may contain 4 adult salmon. Release chum and wild coho August 1 through April 30. Release chinook August 1 through December 31.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Salmon: Open year around from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon, except up to 4 adults may be retained October 1 through December 31. Salmon minimum size 8 inches. Release wild coho.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): March 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): Closed waters.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches. Salmon: Open only year around from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

Dempsey Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

PERMANENT

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All ((species)) game fish: Release all fish except trout greater than twenty inches in length. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Desire Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): All species: Release all fish. From Dewatto-Holly Road Bridge upstream: Selective gear rules.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dollar Lake (Grant County): March 1 through July 31 season.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All ((species)) game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All ((species)) game fish: Release all

fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 2 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elbow Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required ((October)) September 1 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one wild adult chinook.

Elli Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: 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 down-

stream 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; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 1 through December 31 the daily limit may contain 4 adult salmon. Release chum and wild coho. October 1 through December 31 release chinook upstream of Foster Road Bridge.

Eloika Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Elwha River (Clallam County): 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 mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Finnel Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Flowing Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of free licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year around season. Selective gear rules September 1 through May 31. Trout: Minimum length twelve inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches. Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and steelhead with a missing adipose fin and a healed scar at the fin site.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: ((~~January 1~~) September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. All ((~~species~~)) game fish: Release all fish except hatchery steelhead ((~~without an adipose fin and healed scar at the fin site~~)). Trout: Minimum length twenty inches. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from Hatchery Road Bridge: June 1 - August 31 season except closed from the Hatchery Road Bridge to posted sign at hatchery outlet. Trout: Additional ((~~January 1~~)) December 15 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than ((~~trout and all trout less than twenty inches in length~~)) hatchery steelhead.

Green Lake and Green Lake, Lower (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Green (Duwamish) River (King County):

From the First Avenue Bridge to South 277th Street Bridge in Auburn: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1

through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through the last day in February. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through last day in February. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds (~~downstream to a point 1500 feet below the salmon hatchery rack~~) during the period September 1 through November 30 and from 400 feet above to 400 feet below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All (~~species~~) game fish: Release all fish except steelhead. Trout: Minimum length twenty inches. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 1 through November 30 the daily limit may contain 4 adult salmon. Release chum and wild coho. August 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

"H" Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Halfmoon Lake (Adams County): March 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hallin Lake (Adams County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Hart Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from DNR oxbow campground boat launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR oxbow campground boat launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only June 1 through November 30 mouth to Morgan's Crossing Boat Launch and June 1 through August 31 from boat launch to South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon except release adult salmon June 1 through August 31 upstream from DNR Oxbow campground boat launch and September 1 through October 15 from Oxbow boat launch to Morgan's Crossing boat launch.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches. ~~((Release wild cutthroat upstream from upper Hoko Bridge (cement bridge on Lake Ozette Highway).))~~

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. ~~((Fishing from a floating device equipped with a motor prohibited. Trout))~~ All species: Release ((wild cutthroat)) all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required ~~((October))~~ September 1 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from mouth to

bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humtulpis River (Grays Harbor County), from mouth to forks: June 1 through March 31 season. Nonbuoyant lure restriction, night closure and single point barbless hooks required ~~((October))~~ September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook and wild adult coho.

Humtulpis River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humtulpis Guard Station and Grisdale: Nonbuoyant lure restriction and night closure September 1 through November 30. Trout: Minimum length fourteen inches.

Humtulpis River, West Fork (Grays Harbor County): Nonbuoyant lure restriction and night closure September 1 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Island Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Island Lake (Pacific County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Issaquah Creek (King County): Closed waters.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from Highway 109 Bridge to Ocean Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

~~((John's))~~ Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required ~~((October))~~ September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15 from mouth to Ballon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Kahlotus Lake (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. ~~((Trout: Minimum length 20 inches.))~~ September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year around. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below 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.

Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches.

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. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Kapowsin Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches.

Additional season: November 1 through May 31. All species except whitefish: Selective gear rules and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kitsap Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: June 1 through ~~(November 30))~~ January 31 season. Game fish: Closed December 1 through January 31. Trout: Minimum length twelve inches. Salmon: Open only June 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

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, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. Daily limit 6 fish of which no more than 2 may be adult salmon, except June 1 through July 31 release adult salmon. Release wild coho. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: No more than 2 trout 20 inches in length or greater may be retained.

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 last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Leland Lake (Jefferson County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): 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. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year around. Daily limit of 6 fish of which no more than 2 may be adult salmon, except October 1 through December 31 the daily limit may contain up to four adult salmon. August 1 through April 30 release chum and wild coho. August 1 through January 31 release chinook.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to ~~((Johnson))~~ Colvin Creek: Year around season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through October 15 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 from Johnson Creek to Colvin Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year around. Daily limit of 6 fish of which no more than 2 may be adult salmon, except May 1 through July 31 daily limit one salmon and October 1 through December 31 the daily limit may contain up to four adult salmon. August 1 through April 30 release

chum and wild coho. August 1 through January 31 release chinook.

~~((From Johnson Creek to Colvin Creek: June 16 through August 15 and November 16 through April 30 seasons except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Trout: Minimum length twenty inches. Release wild cutthroat.))~~

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through ((September)) April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. August 1 through September 30 and January 1 through 31 release chinook.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within 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 including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches. Release cutthroat.

~~((From one hundred feet above Sunset Falls to source: Closed waters.))~~

Mouth to top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish ~~((other than))~~ except hatchery steelhead ((with a missing adipose fin and a healed scar at the fin site)).

Liberty Lake (Spokane County): Last Saturday in April through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Chambers Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Little ((Holeo)) Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season(~~(+Selective gear rules. All species: Release all fish)~~). Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Upstream from bridge at Fridgeger Road: Trout: Release kokanee taken upstream from bridge, including waters of Chain Lake.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Kitsap County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30. Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/ Bull Trout as part of trout daily limit. Dolly Varden/ Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Juveniles only.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mason Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Salmon: Landlocked salmon rules apply.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek: Additional season: December 1 through March 31. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): Closed waters.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site September 1 through April 15.

PERMANENT

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mima Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): March 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season.

Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single hook.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Nahwatzel Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and September 1 through January 31, waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery.

Mainstem: Single point barbless hooks required July 1 through January 31 upstream from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge

fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All ((species)) game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only July 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish. Additional November 1 through last day in February season.

North Fork: Selective gear rules. All species: Release all fish.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through January 31, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road July 1 through January 31, and on South Nemah upstream to confluence with Middle Nemah July 1 through January 31. Selective gear rules on Middle Nemah above DNR Bridge and on South Nemah above confluence with Middle Nemah. Nonbuoyant lure restriction and night closure August 16 through November 30 on North and Middle Nemah and on South Nemah from mouth to confluence with Middle Nemah. All ((species)) game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only July 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Single point barbless hooks required October 16 through November ((46

through January 31)) 15. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through November 15 from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Newman Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Single point barbless hooks required ((July 1)) August 16 through ((January 31)) November 30. All ((species)) game fish: Release all fish. Salmon: Open only October 16 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through ((November 30)) January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Salmon: Open only July 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through March 15 season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 16 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. October 1 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook on the North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through March 15 season. Selective gear rules. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 2 salmon, except release chinook.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: ~~((All species: Release all fish except up to two hatchery steelhead per day may be retained:))~~ June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required ~~((July 1))~~ August 16 through ((October 31)) November 30 upstream to Salmon Creek. ~~((From Highway 105 Bridge to Falls River: Additional November 1 through last day in February season. Single point barbless hooks required November 1 through January 31 upstream to Salmon Creek.))~~ All ~~((species))~~ game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only October 16 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and adult chinook.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), 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 Limeric): Closed waters.

Offut Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. ~~((All species: Release all fish.))~~ Single point barbless hooks ~~((required July 1))~~, nonbuoyant lure restriction and night closure August 16 through ((January 31)) November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. All game fish: Release all fish. Salmon: Open only October 16 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and wild chinook.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Burbot: Set line gear allowed.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): March 1 through July 31 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year around season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Phantom Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective ~~((fishing regulations))~~ gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31 upstream to the Soldier's Home Bridge. Salmon: Open only August 1 through December 15 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

~~((Puyallup River (Pierce County):~~

~~From mouth to the Electron power plant outlet: June 1 through January 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31.~~

~~From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.))~~

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rogers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rogers Street to the Highway 101 Bridge. Selective gear rules. All ((species)) game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rogers Street to the Highway 101 Bridge. Daily limit 2 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1

through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length. Salmon: Landlocked salmon rules apply.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Roses Lake (Chelan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Saint Clair Lake (Thurston County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through ~~((October 31))~~ March 15 season. Trout: Minimum length twelve inches. Release ~~((all steelhead and))~~ wild cutthroat. ~~((Additional season: November 1 through March 15. Selective gear rules. All species: Release all fish.))~~ Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

~~((Salmon Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.))~~

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

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.))~~ From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

~~((From Highway 99 Bridge to department salmon rack: Closed waters.))~~ Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 16 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): ~~((Selective gear rules on East Fork upstream from mouth of Bingham Creek.))~~ Nonbuoyant lure restriction and night closure September 1 through November 30. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Single point barbless hooks required September ~~((16))~~ 1 through ~~((October 31))~~ November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except that the daily limit may contain no more than one adult chinook and October 1 through November 15 the daily limit may contain no more than one wild adult coho. November 16 through January 31 release wild adult coho.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily

limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules. ~~((Trout: Minimum length fourteen inches.))~~

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Scabrock Lake (Grant County): March 1 through July 31 season.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Scootney Reservoir (Franklin County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Seki River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

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, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12

to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoecraft Lake (Snohomish County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake (Spokane County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout except Dolly

Varden/Bull Trout: Minimum length fourteen inches. (~~Release steelhead March 1 through May 31.~~) Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to pipeline crossing at Sedro Woolley: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From pipeline crossing at Sedro Woolley to Bacon Creek: June 1 through March 15 season except closed June 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30 upstream from Gilligan Creek. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31 from pipeline crossing to mouth of Cascade River. Daily limit 2 chum salmon.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. All (~~species~~) game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

except the daily limit may contain not more than 1 adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

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. Single point barbless hooks required October 16 through November 15. ((June 1 through April 30 season.)) Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure November 1 through last day in February. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective gear rules. Nonbuoyant lure restriction and night closure March 1 through April 30. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From the mouth of the Sultan River to the forks: June 1 through March 31 season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. 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. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks ((required July 1)) nonbuoyant lure restriction and night closure August 16 through ((January 31)) November 30 upstream to the Highway 101 Bridge. ((Trout: Minimum length fourteen inches.)) All ((species)) game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only October 16 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho and adult chinook.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead.

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.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 season, except 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 waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor 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. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries (~~except Crocker Lake~~): Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. (~~Wild steelhead may be retained December 1 through last day in February~~)

Soos Creek (King County), from mouth to (~~salmon hatchery rack~~) bridge near hatchery residence: June 1 through October 31 season. (~~Trout: Minimum length fourteen inches~~) September 1 through October 31 - (~~closed to fishing from~~

~~one hour after official sunset to one hour before official sunrise in those waters downstream from the bridge near the hatchery residence~~) night closure. Trout: Minimum length fourteen inches. Salmon: Open only September 30 through October 15 to fishing by juveniles only. Terminal gear restricted to one single hook. Daily limit two salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spencer Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season except walleye. 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. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply.

From Monroe Street Dam upstream to Upriver Dam: Year around season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. Trout: Daily limit one, minimum length 12 inches. Salmon: Landlocked salmon rules apply.

Sportsman's Lake (San Juan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sprague Lake (Adams/Lincoln counties):

Waters northeast of the lakeside edge of the reeds: Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stettale Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Trout: An additional ten kokanee may be retained above the five fish daily limit.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through June 30 and September 1 through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year around season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure. Selective gear rules June 1 through November 30. ~~((Closed to fishing from one hour after official sunset to one hour before official sunrise.))~~ Trout: ~~((Minimum length twenty inches))~~ June 1 through November 30 ~~((:))~~ release all fish except ~~((trout with a missing adipose fin and a healed sear at the fin site))~~ hatchery steelhead. Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon. Minimum size 14 inches.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: ~~((March 1 through November 30 all species: Fly fishing only and release all fish other than trout greater than twenty inches in length that are missing the adipose fin and have a healed sear at the fin site))~~ Year around season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained. ~~((Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge.))~~

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tahuya River (Mason County): All species: Release all fish. From marker one mile above North Shore Bridge upstream: Selective gear rules.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17

inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tee Lake (Mason County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish, except October 1 through December 31 the daily limit may contain up to 4 adult salmon. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. Trout: Minimum length ten inches.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Totem Lakes 1 and 2 (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout. From confluence of north and south forks upstream, including Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 31 on North Fork from confluence with South Fork to mouth of Green River. All (~~species~~) game fish: Release all fish except hatchery steelhead (~~(with a missing adipose fin and a healed scar at the fin site).~~ Trout: Minimum length twenty inches). Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 1 through November 30 the daily limit may contain up to 4 adult salmon. Release chum and chinook. Release wild coho downstream of the forks.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead (~~(with a missing adipose fin and a healed scar at the fin site).~~ Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

Tradition Lake (King County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From a sign referencing Deer Lake to the Panjab Creek Bridge: Selective gear rules.

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish. From lower bridge on the Old Belfair Highway upstream: Selective gear rules.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Waddell Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through ~~(September 1)~~ last day in February season. 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. Game fish: Closed September 2 through October 31. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: ~~((Additional))~~ November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October

31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (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): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year around. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through July 31 and October 15 through March 15 seasons. Non-buoyant lure restriction and night closure October 15 through October 31. Trout: Minimum length twelve inches. Release

wild cutthroat. (~~Release steelhead August 16 through October 15.~~) Salmon: Open only October 15 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, chinook and wild coho.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except hatchery steelhead ((with a missing adipose fin and a healed scar at the fin site)).

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

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. Release wild cutthroat.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained. Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit five. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. All other areas and times: Closed waters. Terminal gear restricted to one single hook, maximum hook size number 14. All species: Release all fish except whitefish.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. (~~June 1 through last day in February season.~~) Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the

Electric Avenue Bridge and the outlet dam are closed waters:
Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: ~~((June 1 through September 30: Closed waters:))~~ October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season ~~((only))~~. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Year around season. August 1 through December 31: Nonbuoyant lure restriction ((as provided for in WAC 220-56-205(1))). Trout: Minimum length fourteen inches. Salmon: Open year around. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches. Salmon: Open only November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. November 16 through December 31 release chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Whitestone Lake (Okanogan County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Whitman Lake (Pierce County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County) ~~((, including all forks))~~: ~~((Closed waters: Four hundred feet below falls on South Fork to falls:))~~ Mouth to Fork Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required July 1 through January 31. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All ~~((species))~~ game fish: Release all fish except that up to two hatchery steelhead ~~((per day))~~ may be retained ~~((, from mouth to Forks Creek and in South Fork. From department boat launch in South Bend upstream to Forks Creek: Single point barbless hooks required July 1 through October 31 upstream to Forks Creek))~~. Salmon: Open only July 1 through January 31 from mouth to Highway 6 Bridge and October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho.

Upstream from Fork ~~((s))~~ Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

~~((From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season: Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek. Single point barbless hooks required November 1 through January 31.))~~

South Fork: Additional November 1 through last day of February season. Selective gear rules.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Mouth to ~~((Burlington Northern Railroad))~~ High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure; mouth to Burlington Northern Railroad Bridge August 1 through October 31: Nonbuoyant lure restriction ((as provided for in WAC 220-56-205(1))). Trout: Minimum length fourteen inches. Salmon: Open only August 1 through October 31 from mouth to railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

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, including all tributaries: Closed waters.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wiser Lake (Whatcom County): Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required September 1 through November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one adult chinook.

From the ~~((mouth))~~ West Fork to four hundred feet below outlet: ~~((Additional November))~~ June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Wynoochee River (Grays Harbor County): Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required September ((16)) 1 through ((October 31 upstream to 7400 line bridge above mouth of Schafer Creek)) November 15. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which no

more than 2 may be adult salmon, except September 1 through November 15 the daily limit may contain no more than 1 wild adult coho and 1 adult chinook, and November 16 through January 31, the daily limit may contain not more than one adult chinook and release wild adult coho.

~~((From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.))~~

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted.

From mouth to four hundred feet below Roza Dam: Year around season. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Fishing from floating devices equipped with motors allowed only 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). Trout: Selective gear rules, and release all trout. Whitefish: Bait and one single-pointed, barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective gear rules.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

~~((3)) Specific marine water exceptions to state wide rules:~~

~~(a) Marine water area codes and boundaries:~~

~~(i) Area 1 (Ilwaco): Waters west of the Buoy 10 Line and north to Leadbetter Point.~~

~~(ii) Area 2 (Westport Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.~~

~~(iii) 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.~~

(iv) 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.

(v) Area 3 (La Push): From the Queets River north to Cape Alava.

(vi) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(vii) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(viii) 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.)—Vessel Traffic Separation Buoy "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.

(ix) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(x) 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.

(xi) 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 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.).

(xii) 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.

(xiii) 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.

(xiv) 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.

(xv) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(xvi) 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.

(xvii) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

(b) 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):

(i) Fishing hours: Twenty-four hours per day year around, except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington Northern Railroad Bridge are closed waters.

(ii) License requirements: A valid current Washington state department of fish and wildlife saltwater license, and, if appropriate, a steelhead license, is required to fish for game fish including steelhead in marine waters. All steelhead taken from 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.

(iii) Gear restrictions: Angling gear only, and in those waters of Area 10 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. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(iv) All species: Release all fish except up to two hatchery steelhead may be retained per day.)

WSR 00-16-096
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed August 1, 2000, 9:32 a.m., effective September 1, 2000]

Date of Adoption: July 13, 2000.

Purpose: To no longer require notification for removal of nonfriable asbestos-containing material.

Citation of Existing Rules Affected by this Order: Repealing Regulation III, Section 4.06; and amending Regulation III, Section 4.01, 4.03, 4.04, and 4.05.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 00-13-071 on June 19, 2000.

Changes Other than Editing from Proposed to Adopted Version: We will continue to require notifications for asbestos projects involving friable asbestos-containing material below the thresholds required by EPA.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2000.

July 28, 2000

David D. Kircher
Manager - Engineering

AMENDATORY SECTION

REGULATION III SECTION 4.01 DEFINITIONS

(a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.3) and whose certification is current.

~~((b)) **AHERA PROJECT DESIGNER** means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.~~

((e)) **(b) ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

((d)) **(c) ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section I, Polarized Light Microscopy.

((e)) **(d) ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

((f)) **(e) ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of friable asbestos-containing material ~~((, or any other action that disturbs or is likely to disturb any asbestos-containing material))~~. It includes the removal and disposal of stored, friable, asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

((g)) **(f) ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.

~~((h)) **COMPETENT PERSON** means a person who is capable of identifying asbestos hazards and selecting the appro-~~

~~appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction):~~

((h)) **(g) COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

((i)) **(h) DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.

((k)) **(i) FRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, pulverized, ~~((disintegrated,))~~ or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.

((h)) **(j) LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

((m)) **(k) NONFRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, pulverized, ~~((disintegrated,))~~ or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

~~((o)) **PERSON** means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.)~~

((p)) **(l) RENOVATION** means altering a facility or a component in any way, except demolition.

((n)) **(m) ~~(OWNER OCCUPIED)~~ SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is ~~((currently))~~ used by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

((q)) **(n) SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.

((r)) **(o) SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding.

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~~((s))~~ (p) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

AMENDATORY SECTION

REGULATION III SECTION 4.03 NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

(2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes or 48 square feet of friable asbestos-containing material on other components (per structure, building, or vessel, per calendar year) (~~of any asbestos-containing material~~).

(3) Notification is not required for removal and disposal of ~~((the following))~~ nonfriable, asbestos-containing material ~~((s: caulking, window glazing, or roofing. All other asbestos project and demolition requirements remain in effect except as provided by Article 4))~~.

(4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present. ~~((All other demolition requirements remain in effect.))~~

(5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(6) A copy of the notification, all amendments to the notification, and the asbestos survey ~~((, and any Order of Approval for an alternate means of compliance))~~ shall be available for inspection at all times at the asbestos project or demolition site.

(7) A property owner may file notification for multiple asbestos projects or demolitions ~~((Notification for multiple asbestos projects or demolitions may be filed by a property owner))~~ on one form if all the following criteria are met:

(A) The work will be performed continuously by the same contractor; and

(B) A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure; the amount and type of friable, asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

(8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

(B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

(A) Increases in the project type or job size category that increase the fee ~~((or change the advance notification period))~~;

(B) Changes in the type of friable, asbestos-containing material that will be removed; or

(C) Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

(2) Optional Amendments

(A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional, friable, asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

- (4) The project must proceed to avoid imposing an unreasonable burden.
- (d) **Notification Period and Fees**

Project	Size or Type	Notification Period	Fee
((Owner-Occupied;)) Single-Family Residence:			
<u>Asbestos Project*</u>	All	Prior Notice	\$25
<u>Demolition*</u>	<u>All</u>	<u>10 days</u>	<u>\$25</u>
((asbestos project and/or demolition))			
All Other Demolitions with no asbestos project	All	10 Days	\$150
Asbestos Project includes demolition fee*	10 - 259 linear ft 48 - 159 square ft	((3-Days)) <u>10 Days</u>	\$150
Asbestos Project includes demolition fee	260 - 999 linear ft 160 - 4,999 square ft	10 Days	\$300
Asbestos Project includes demolition fee	1,000 - 9,999 linear ft 5,000 - 49,999 square ft	10 Days	\$750
Asbestos Project includes demolition fee	10,000± ((-49,999)) linear ft 50,000± ((-99,999)) square ft	10 Days	\$2,000
((Asbestos Project includes demolition fee	50,000 - 99,999 linear ft 100,000 - 149,999 square ft	10 Days	\$5,000
Asbestos Project includes demolition fee	100,000+ linear ft 150,000+ square ft	10 Days	(\$10,000))
Emergency	4.03(c)	Prior Notice	Add'l fee equal to project fee
Amendment	4.03(b)	Prior Notice	\$50
((Alternate Means of Compliance (demolitions or friable asbestos containing materials)	4.06 (a) or (e)	10 Days	Additional fee equal to project fee
Alternate Means of Compliance (nonfriable asbestos containing materials)	4.06(b)	10 Days	Additional fee equal to project fee)
Annual	4.03 (a)(8)	Prior Notice	(((\$1,500)) <u>No Fee</u>

~~((*Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3 day notification period.))~~

*Contractors participating in the Agency work schedule fax program shall only be required to provide prior notification for this project size category and no fee will be assessed.

The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) **friable, asbestos-containing material((s))**. ~~((All other asbestos project and demolition requirements remain in effect.))~~

(e) Repeal of Fees

The repeal of fees for alternate means of compliance requests and annual notifications as formerly set forth in Section 4.03(d) of these regulations shall be applied retroactively and take effect as of March 9, 2000.

AMENDATORY SECTION

REGULATION III SECTION 4.04 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION

(a) Removal of Friable Asbestos Prior to Renovation or Demolition

Except as provided in Section ~~((4.06(e)))~~ 4.04(c) of this Regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb **friable, asbestos-containing material** or damage a structure so as to preclude access to **friable, asbestos-containing material** for future removal, without first removing all **friable, asbestos-containing material** in accordance with the requirements of this regulation.

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Friable, ((A))asbestos-containing material need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

(b) Demolition by Burning

It shall be unlawful for any person to cause or allow the burning of any facility for fire training without removing all asbestos-containing material prior to burning. This includes both friable and nonfriable asbestos-containing material.

~~((b))~~ **(c) Exception For Hazardous Conditions**

Friable, ((A))asbestos-containing material need not be removed prior to a demolition or renovation, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.

AMENDATORY SECTION

REGULATION III SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS

(a) Training Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted as part of a renovation in a ~~((non-owner-occupied,))~~ single-family residence performed by the ~~((resident))~~ owner of the dwelling.

(b) Friable Asbestos Removal Work Practices

~~((Except as provided in Section 4.06 of this Regulation, it))~~ It shall be unlawful for any person to cause or allow the removal of friable, asbestos-containing material unless all the following requirements are met:

(1) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

(2) If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

(3) Absorbent, friable, asbestos-containing material((s)), such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Any unsaturated, absorbent, friable, asbestos-containing material((s)) exposed during removal shall be immediately saturated with a liquid wetting agent.

(4) Nonabsorbent, friable, asbestos-containing material((s)), such as cement asbestos board ~~((or vinyl asbestos tile))~~, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent, friable, asbestos-containing material((s)) exposed during removal shall be immediately coated with a liquid wetting agent.

(5) Metal components (such as valves, fire doors, and reactor vessels) that have internal friable, asbestos-containing material are exempt from the requirements of Sections 4.05 (b)(3) and 4.05 (b)(4) if all access to the friable, asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the friable, asbestos-containing material from the environment.

(6) Except for surfacing materials being removed inside a negative pressure enclosure, friable, asbestos-containing materials that are being removed, have been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.

(7) All friable, asbestos-containing waste material shall be sealed in leak-tight containers as soon as possible after removal but no later than the end of each work shift.

(8) All absorbent, friable, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers while saturated with a liquid wetting agent. All nonabsorbent, friable, asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers while coated with a liquid wetting agent.

(9) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

(10) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

(11) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

(12) The friable, asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

(c) Method of Removal for Nonfriable Asbestos-Containing ~~((Roofing))~~ Material

~~((The following asbestos removal method shall be employed for asbestos-containing roofing material that has been determined to be nonfriable by a Competent Person or an AHERA Project Designer:))~~

It shall be unlawful for any person to cause or allow the removal of nonfriable, asbestos-containing material unless all the following requirements are met:

PERMANENT

~~(1) ((The nonfriable asbestos-containing roofing material shall be removed using methods such as spud bar and knife. Removal methods such as sawing or grinding shall not be employed;)) Sanding, grinding, abrading, or sawing of nonfriable, asbestos-containing material shall be prohibited unless the material that is disturbed is handled as friable, asbestos-containing material in accordance with the requirements in Section 4.05(b) of this regulation.~~

(2) Appropriate ((~~⊖~~)) dust control methods as provided in Section 9.15 of Regulation I shall be used as necessary to control ((~~assure no~~)) fugitive dust ((~~is generated~~)) emissions from the removal of nonfriable asbestos-containing ((~~roofing~~)) material;

~~((3) Nonfriable asbestos-containing roofing material shall be carefully lowered to the ground to prevent fugitive dust;))~~

~~((4))~~ (3) After being ((~~lowered to the ground~~)) removed, the nonfriable asbestos-containing ((~~roofing~~)) material shall be ((~~immediately~~)) promptly transferred to a disposal container; and

~~((5))~~ (4) Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing ((~~roofing~~)) waste material.

REPEALER

REGULATION III SECTION 4.06 ALTERNATE MEANS OF COMPLIANCE

NEW SECTION

REGULATION III SECTION 4.09 COMPLIANCE WITH OTHER RULES

Other government agencies have adopted rules that may apply to asbestos projects regulated under these rules including, but not limited to, the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration, and the Department of Labor and Industries. Nothing in the Agency's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.

WSR 00-16-100

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 1, 2000, 1:01 p.m., effective August 2, 2000]

Date of Adoption: August 1, 2000.

Purpose: The purpose of this rule is to provide increased safety and welfare for children in child care settings where the department pays toward the cost of child care for in-home/relative providers.

Citation of Existing Rules Affected by this Order: New WAC 388-290-854 When will the department not pay toward the cost of in-home/relative child care?, 388-290-858 Why do we review your in-home relative provider's criminal back-

ground information?, 388-290-862 When is a criminal background check required?, 388-290-866 Where does the department get the criminal background information on the in-home/relative provider?, 388-290-870 What does the department do with the criminal background information on the in-home/relative provider?, 388-290-874 Will I be notified of the results of the criminal background information on my in-home/relative provider?, 388-290-878 Can I still use my chose in-home/relative provider to care for my children if the in-home/relative provider has been convicted of a disqualifying crime?, 388-290-882 What convictions permanently disqualify my in-home/relative provider from being authorized by WCCC?, 388-290-886 Are there some crimes that require a set amount of time to pass before my in-home/relative provider may be authorized for WCCC? and 388-290-888 When can I ask the department to review the decision to deny authorization of my provider?; and amending WAC 388-290-850 What child care providers can the department pay under the WCCC program?, 388-290-905 What responsibilities does the department have under the WCCC program?, 388-290-910 What responsibilities do I have under the WCCC program?, 388-290-925 When don't advance and adequate notice rules apply?, 388-290-940 Do I have the right to request a hearing?, and 388-290-945 Can I receive WCCC pending the outcome of a hearing?

Statutory Authority for Adoption: RCW 43.43.830, 43.43.832, and 74.15.020.

Adopted under notice filed as WSR 00-13-105 on June 21, 2000.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-290-888(5) is added to clarify that if the department reviews a decision to disqualify a provider and the provider is found to be authorized, the department will allow back payment to the date of disqualification.

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 10, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 6, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department must immediately finalize this rule which will provide increased safety and welfare for children in child care settings where the department pays toward the cost of child care for in-home/relative providers. The department must increase the protection of children currently in the care of individuals who have conviction history which may increase the likelihood of harm to the child or the household.

PERMANENT

Effective Date of Rule: August 2, 2000.

August 1, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-850 What child care providers can the department pay under the WCCC program? To receive payment under the WCCC program, your child care provider must fall into one of the following categories:

(1) Licensed as required by chapter 74.15 RCW and chapters 388-73, 388-155 (Minimum licensing requirements for family child day care homes), or 388-150 WAC (Minimum licensing requirements for child day care centers).

(2) Exempt from licensing but certified by the department, including:

(a) Tribal child care facilities meeting the requirements of tribal law;

(b) Child care facilities on a military installation;

(c) Child care facilities operated on public school property by a school district.

(3) Exempt from licensing and certification, but the in-home/relative provider must:

(a) Be a U.S. citizen or legally residing in the country;

(b) Be one of the following adult relatives providing care in either the child's or relative's home:

(i) An adult sibling living outside the child's home; or

(ii) A grandparent, aunt, uncle, first cousin, or great-grandparent, great-aunt, or great-uncle; and

(iii) Not the child's biological, adoptive, or step-parent;

or
(iv) An extended tribal family member under chapter 74.15 RCW.

(c) Be an adult friend or neighbor providing care in the child's own home; ~~((and))~~

(d) Meet the in-home relative provider requirements in ~~((chapter 388-15 WAC. We can refuse to pay toward the cost of in-home/relative care if we have evidence your in-home/relative provider does not meet these requirements))~~ **WAC 388-165-235;**

(e) Complete and submit a criminal background inquiry form prescribed by the department; and

(f) Not be disqualified based on information in WAC 388-290-854 (3) or (4).

NEW SECTION

WAC 388-290-854 When will the department not pay toward the cost of in-home/relative child care? The department will not pay toward the cost of in-home/relative care if:

(1) Your in-home/relative provider does not meet the requirements in WAC 388-290-850;

(2) You fail to submit a completed criminal background inquiry form;

(3) The department determines your in-home/relative provider is not of sufficient physical, emotional or mental

health to meet the needs of the child in care, or the household may be at risk of harm by this provider, as indicated by information other than conviction information; or

(4) Your in-home/relative provider has been convicted of, or has charges pending for crimes listed in WAC 388-390-882 or 388-290-886.

NEW SECTION

WAC 388-290-858 Why do we review your in-home/relative provider's criminal background information? The department reviews the provider's criminal background information because the department:

(1) Wants you to have this information to help you to make informed, safe, and responsible decisions about your child(ren)'s care provider; and

(2) Does not pay toward the cost of child care provided by individuals convicted of crimes listed in WAC 388-290-882 and 388-290-886.

NEW SECTION

WAC 388-290-862 When is a criminal background check required? The department requires the criminal background check for each in-home/relative provider:

(1) When you request payment for services by a new in-home/relative provider;

(2) Every two years for existing in-home/relative providers; or

(3) When the department has reason to do a criminal background check more frequently.

NEW SECTION

WAC 388-290-866 Where does the department get the criminal background information on the in-home/relative provider? The department gets criminal background information from available sources such as:

(1) The Washington State Patrol under chapter 10.97 RCW;

(2) Other states and Federally Recognized Indian Tribes; and

(3) Disclosure by the in-home/relative provider.

NEW SECTION

WAC 388-290-870 What does the department do with the criminal background information on the in-home relative/provider? (1) The department compares the criminal background information including pending charges with convictions listed in WAC 388-290-882 and 388-290-886.

(a) A pending charge for a crime is given the same weight as a conviction.

(b) If the conviction has been renamed it is given the same weight as the previous named conviction. For example, larceny is now theft.

(c) Convictions whose titles are preceded with the word "attempted" are given the same weight as those titles without the word "attempted."

(d) Convictions that are considered the same as those listed in WAC 388-290-882 and 388-290-886 are given the same weight as those titles.

(2) The department:

(a) Determines if the in-home/relative provider's criminal background contains information that will not allow the authorization of payment towards the cost of WCCC;

(b) Notifies the parent of the criminal background information;

(c) Denies or stops payment toward the cost of care by this in-home/relative provider, when the criminal background information disqualifies the in-home/relative provider; and

(d) Assists parents in finding other child care arrangements.

NEW SECTION

WAC 388-290-874 Will I be notified of the results of the criminal background information on my in-home/relative provider? You will receive notice telling you whether or not the department is able to authorize payment toward the cost of care.

NEW SECTION

WAC 388-290-878 Can I still use my chosen in-home/relative provider to care for my child(ren) if the provider has been convicted of a disqualifying crime? The department will not pay toward the cost of care if we disqualify an in-home/relative provider. It is your choice whether you use the in-home/relative provider to care your child(ren).

NEW SECTION

WAC 388-290-882 What convictions permanently disqualify my in-home/relative provider from being authorized by WCCC? The following crimes permanently disqualify your in-home/relative provider from authorization toward the cost of child care:

- (1) Aggravated murder;
- (2) Arson in the first degree;
- (3) Assault in the first, second or third degree;
- (4) Assault of a child in the first, second or third degree;
- (5) Burglary in the first degree;
- (6) Child abandonment;
- (7) Child abuse or neglect (RCW 26.44.020);
- (8) Child buying or selling;
- (9) Child molestation in the first, second or third degree;
- (10) Communication with a minor for immoral purposes;
- (11) Criminal abandonment;
- (12) Criminal mistreatment in the first or second degree;
- (13) Custodial assault;
- (14) Custodial interference in the first and second degree;
- (15) Custodial sexual misconduct in the first and second degree;

- (16) Delivery of a controlled substance;
 - (17) Drive-by shooting;
 - (18) Extortion in the first or second degree;
 - (19) Felony indecent exposure;
 - (20) Incest;
 - (21) Indecent liberties;
 - (22) Homicide by watercraft;
 - (23) Kidnapping in the first and second degree;
 - (24) Leading organized crime;
 - (25) Luring;
 - (26) Malicious explosion first, second and third degree;
 - (27) Malicious harassment;
 - (28) Malicious placement of an imitation device first degree;
 - (29) Manslaughter in the first and second degree;
 - (30) Manufacture of a controlled substance;
 - (31) Murder in the first and second degree;
 - (32) Patronizing a juvenile prostitute;
 - (33) Possession with the intent to deliver a controlled substance;
 - (34) Possession with the intent to manufacture a controlled substance;
 - (35) Promoting a suicide attempt;
 - (36) Promoting pornography;
 - (37) Promoting prostitution in the first degree;
 - (38) Public indecency (if toward a child less than fourteen);
 - (39) Rape in the first, second and third degree (including the rape of a child);
 - (40) Reckless Endangerment;
 - (41) Robbery in the first and second degree;
 - (42) Selling or distributing erotic materials to a minor;
 - (43) Sexual exploitation of a minor;
 - (44) Sexual misconduct with a minor in the first or second degree;
 - (45) Sexually violating human remains;
 - (46) Stalking;
 - (47) Theft in the first degree;
 - (48) Unlawful imprisonment;
 - (49) Unlawful use of building for drug purposes;
 - (50) Vehicular assault;
 - (51) Vehicular homicide;
 - (52) Violation of a child abuse restraining order-felony;
- or
- (53) Any person whose name appears on the Washington State Registered Sex Offender and Kidnapping Offender List.

NEW SECTION

WAC 388-290-886 Are there some crimes that require a set amount of time to pass before my in-home/relative provider may be authorized for WCCC? A set amount of time must pass between the date of conviction and the date of the criminal background information form for specific convictions. The department will only authorize payment toward the cost of care by an in-home/relative provider if the following time periods have passed:

- (1) Three years or more for:

- (a) Assault in the fourth degree;
- (b) Prostitution; or
- (c) Theft in the third degree.
- (2) Five years or more for:
 - (a) Forgery;
 - (b) Prostitution related crimes such as patronizing a prostitute; or
 - (c) Theft in the second degree.

NEW SECTION

WAC 388-290-888 When can I ask the department to review the decision to deny authorization of my in-home/relative provider? (1) You may request the department review our decision to deny payment toward the cost of care by your in-home/relative provider when:

- (a) The conviction is listed in WAC 388-290-886;
- (b) The required amount of time has not elapsed between the conviction date and the date of application for child care by this provider; and
- (c) We receive your request for review in writing or by contacting DSHS within thirty days of our decision.
 - (2) The review is separate from a hearing and provided by Administrative staff within the department.
 - (3) You will be requested to:
 - (a) Provide additional information; and
 - (b) Complete the request for review form.
 - (4) The department will notify you in writing of our decision within thirty days after receiving the information.
 - (5) If after we complete the review to reconsider your in-home/relative provider we determine care provided by this in-home/relative provider may be authorized, we will allow payment back to the date of disqualification if:
 - (a) All other eligibility requirements are met; and
 - (b) Verification of care is provided within thirty days of your request for payment.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-905 What responsibilities does the department have under the WCCC program? We will:

- (1) Inform you of your rights and responsibilities under the WCCC program;
- (2) Inform you (~~which~~) of the types of child care providers we can pay;
- (3) Permit you to choose your (~~own child care~~) in-home/relative provider(;) as long as (~~we can pay the~~) that provider (under) meets the requirements in WAC 388-290-850.
- (4) Review and act upon information described in WAC 388-290-854 and 388-290-866 regarding your in-home/relative provider;
 - (~~(4)~~) (5) Inform you of the community resources that can help you select child care, if needed;
 - (~~(5)~~) (6) Only authorize payment when no adult in your family is able and available to care for your children;

(~~(6)~~) (7) Only authorize payment to child care providers who allow you to see your children whenever they are in care;

(~~(7)~~) (8) Respond to you within ten days if you report a change of circumstance;

(~~(8)~~) (9) Provide prompt child care payments to your licensed or certified provider; and

(~~(9)~~) (10) Notify you whenever we establish or change your WCCC copayment.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-910 What responsibilities do I have under the WCCC program? (~~You will~~) Your responsibility is to:

- (1) (~~Be responsible to choose your~~) Choose a provider meeting requirements of WAC 388-290-850 and make your own child care arrangements;
- (2) Notify the department of any change in providers within five days;
- (3) Pay your in-home/relative provider (~~after we send you a check~~) the entire amount the department sends you for in-home/relative care;
- (4) Pay, or make arrangements to pay, your WCCC copayment directly to your child care provider;
- (5) Supply the department with necessary information to allow us to correctly determine your eligibility and make proper child care payment to your provider;
- (6) Notify your provider within ten days when we change your child care authorization;
- (7) Provide notice to the department within ten days of any change in:
 - (a) Family size (~~of~~);
 - (b) Income level; (~~and~~) or
 - (c) The amount of child care needed.
- (8) Assure your in-home/relative provider provides a valid social security number to the department, if you choose an in-home/relative provider; and
- (9) Report to your child care authorizing worker, within twenty-four hours, any pending charges or conviction information you learn about your in-home/relative provider.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-925 When (~~do~~) don't advance and adequate notice rules (~~not~~) apply? Advance and adequate notice requirements don't apply in the following circumstances:

- (1) You tell the department you no longer want WCCC;
- (2) Your whereabouts are unknown to the department;
- (3) You are receiving duplicate child care benefits; (~~of~~)
- (4) Your normal WCCC authorization period is scheduled to end; or
- (5) If the department determines your in-home/relative provider may not be of sufficient physical, emotional or mental health to meet the needs of the child(ren) in care the household may be at risk of harm by this provider as indicated by information other than criminal background.

(6) Your in-home/relative provider has been convicted of, or has charges pending for crimes listed in WAC 388-290-882 or 388-290-886.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-940 Do I have the right to request a ((fair)) hearing? (1) WCCC consumers ((and child care providers)) can request ((fair)) hearings under chapter ((388-08)) 388-02 WAC on any action affecting WCCC benefits except for mass changes resulting from a change in policy or law.

(2) Child care providers can request hearings under chapter 388-02 WAC only for WCCC overpayments.

AMENDATORY SECTION (Amending WSR 99-14-023, filed 6/28/99, effective 7/1/99)

WAC 388-290-945 Can I ((get)) receive WCCC pending the outcome of a ((fair)) hearing? (1) If you are a WCCC consumer, you can ((get)) receive WCCC pending the outcome of a ((fair)) hearing if you request the ((fair)) hearing:

(a) On or before the effective date of an action; or

(b) No more ((that)) than ten days after the department sends you a notice of adverse action.

"Adverse action" means an action to reduce or terminate your WCCC, or to set up a protective payee to receive your WCCC warrant for you.

(2) If you lose ((the fair)) a hearing, any WCCC you use between the date of the adverse action and the date of the ((fair)) hearing or ((fair)) hearing decision is an overpayment to you, the consumer.

(3) If we obtain information that your provider may not be authorized to care for children under WAC 388-290-850 and you request a hearing on this decision, you are not eligible for WCCC payments toward the cost of care by this provider pending the outcome of the hearing. If you are eligible for WCCC, you may receive child care benefits towards another eligible provider, pending the outcome of the hearing.

WSR 00-16-103

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 99-16—Filed August 1, 2000, 3:26 p.m.]

Date of Adoption: July 31, 2000.

Purpose: Chapter 173-305 WAC, Hazardous waste fee regulation, establishes a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in Washington state. This amendment makes housekeeping changes and clarifies the language without changing its intent.

Citation of Existing Rules Affected by this Order: Amending WAC 173-305-010, 173-305-015, 173-305-020, 173-305-040, 173-305-050, 173-305-110, 173-305-120, 173-305-210, 173-305-220, 173-305-230, and 173-305-240.

Statutory Authority for Adoption: Chapter 70.95E RCW.

Adopted under notice filed as WSR 00-10-053 on April 27, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, 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.

July 31, 2000

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-010 Purpose. This rule implements the provisions of chapter 70.95E RCW, establishing a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in this state. Technical assistance includes, but is not limited to, assistance in the preparation of plans and review of plans and related documents. The purpose of this chapter is to describe the methods by which the department of ecology will assess certain fees, to whom fees will be assessed, the amount of ((such)) those fees, provisions for exemption from and enforcement of fee assessments, responsibilities of the department((s)) of ecology ((and revenue)), and procedures for adjusting the fees. Copies of all rules((, regulations, or)) and statutes cited in this chapter are available from ((the)) Records Management, Department of Ecology, ((Mailstop PV-4)) P.O. Box 47600, Olympia, WA, 98504-((874)) 7600.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-015 Applicability. The requirements of WAC 173-305-010 through 173-305-120 apply to all persons who are ((known or potential)) hazardous waste generators, including state and local entities as well as instrumentalities of the United States. The requirements of WAC 173-305-010 through 173-305-050 and 173-305-210 through 173-305-240 apply to all persons required to prepare plans under RCW 70.95C.200.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-020 Definitions. Any terms not specifically defined in this section (~~(shall)~~), for the purposes of this chapter, have the same meaning as given in WAC 173-303-040. The following terms are defined for the purposes of this chapter:

(1) "Additional fee" means the annual fee imposed under chapter 70.95E RCW against hazardous generators and hazardous substance users required to prepare plans;

(2) "Base fee" means the annual fee imposed under chapter 70.95E RCW against ~~((known and potential generators of))~~ hazardous waste generators doing business in the state of Washington;

(3) "Business activities" means activities of any person who is "engaging in business" as the term is defined in chapter ~~((s))~~ 82.04 ~~((and 82.16))~~ RCW. Specifically, "engaging in business" means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidates thereof hold themselves out to the public as conducting such business;

(4) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances ~~((s))~~ including, but not limited to, certain pesticides, or any residues or containers of ~~((such))~~ those kinds of substances ~~((which))~~ that are disposed of in ~~((such))~~ a quantity or concentration ~~((as to))~~ that would pose a substantial present or potential hazard to human health, wildlife, or the environment because ~~((such))~~ those wastes or constituents or combinations of ~~((such))~~ those kinds of wastes;

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

"Dangerous wastes" ~~(shall)~~ specifically includes those wastes designated as dangerous by chapter 173-303 WAC;

(5) "Department" means the department of ecology;

(6) "Emissions" means the substances released to the environment ~~((which))~~ that must be reported under toxic chemical release reporting, 40 CFR Part 372;

(7) "EPA/state identification number" means the number assigned by the environmental protection agency (EPA) or by the department of ecology to each generator ~~((and/or transporter and treatment, storage, and/or disposal facility))~~ or transporter or both, and to each treatment facility, or storage facility, or disposal facility, or a treatment, storage, and disposal facility;

(8) "Extremely hazardous waste" means any dangerous waste ~~((which))~~ that:

(a) Will persist in a hazardous form for several years ~~((or more))~~ at a disposal site and which, in its persistent form:

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

(ii) Is highly toxic to man and wildlife;

(b) If disposed of at a disposal site in ~~((such))~~ quantities ~~((as))~~ that would present an extreme hazard to man or the environment.

"Extremely hazardous waste" ~~(shall)~~ specifically includes those wastes designated as extremely hazardous by chapter 173-303 WAC;

(9) "Facility" means any geographical area that has been assigned an EPA/state identification number or in the case of a hazardous substance user, means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person;

(10) "Generate" means any act or process ~~((which))~~ that produces hazardous waste or first causes a hazardous waste to become subject to regulation;

(11) "Hazardous waste" ~~((means and))~~ includes all dangerous and extremely hazardous wastes but, for the purposes of this chapter, excludes all radioactive wastes or substances composed of both radioactive and hazardous components;

(12) "Hazardous waste generator" means all persons whose primary business activities are identified by the department to generate any quantity of hazardous waste in the calendar year for which the fee is imposed.

(13) "Interrelated facility" means multiple facilities owned or operated by the same person;

~~((Known generators means persons that have notified the department, have received an EPA/state identification number and generate quantities of hazardous waste regulated under chapter 70.105 RCW.))~~

(14) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal ~~((organization))~~ government;

(15) "Plan" means the plan provided for in RCW 70.95C.200;

~~((Potential generators means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.))~~

(16) "Price deflator" means the United States Department of Commerce Bureau of Economic Analysis, "Implicit price deflator for gross national product ~~((=))~~ for ~~((=))~~ government purchases of goods and services ~~((=))~~ for ~~((=))~~ state and local government."

(17) "Primary business activity" means a business activity ~~((which))~~ that accounts for more than fifty percent of a business' total gross receipts or in the case of more than two business activities, the activity which has the largest gross receipts. Where a business engages in multiple activities and one or more of those activities generate hazardous waste, the gross receipts from all waste generating activities will be combined to determine their ratio to the total gross receipts of the business.

(18) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include:

(a) Use constituting disposal;

(b) Incineration; or

(c) Use as a fuel.

(19) "Substantially similar processes" means processes that are essentially interchangeable, inasmuch as they use similar equipment and materials and produce similar products or services and generate similar wastes.

(20) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-040 Adjustment of fees. On an annual basis, the department shall adjust the fees provided for by this chapter, including the maximum annual fee and the maximum total fees, by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the base fee and the additional fee, or the fees as subsequently adjusted by this section, ~~((shall))~~ **must** be multiplied by a factor equal to the most current quarterly "price deflator" available, and divided by the "price deflator" used in the numerator the previous year. However, the "price deflator" used in the denominator for the first adjustment ~~((shall))~~ **must** be divided by the second quarter "price deflator" for 1990.

(2) Each year by March 1, the schedule, as adjusted in subsection (1) of this section, will be published. The department will round the published fees to the nearest dollar.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-050 General administrative provisions. With the exception of RCW 82.32.050 and 82.32.090, the review provisions contained in chapter 82.32 RCW, ~~((except RCW 82.32.050 and 82.32.090,))~~ apply to the collection and enforcement of fees imposed ~~((pursuant to))~~ **under** this chapter. Requests for administrative review should be directed to the ~~((Department of Revenue, Taxpayer Accounts Administration, Mailstop AX-02, Olympia, Washington 98504-0090))~~ State of Washington, Department of Ecology, P.O. Box 34050, Seattle, WA 98124-1050. The review provisions of chapter 43.21B RCW do not apply to the administration of these fees.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-110 Fees. (1) The fee imposed is a thirty-five dollar (or as adjusted by WAC 173-305-040) annual fee payable by ~~((known and potential))~~ **hazardous waste** generators ~~((of hazardous waste)).~~ The fee for the 1990 fee period ~~((shall be))~~ **is** due on October 1, 1990, for any ~~((known or potential))~~ **hazardous waste** generator operating in Washington after March 22, 1990. The fee for the 1991 calendar year, and the 1990 fee period for any ~~((known or potential))~~ **hazardous waste** generator who began business after October 1, 1990, ~~((shall be))~~ **is** due February 28, 1992. The annual fee for calendar year 1992 and each calendar year

thereafter ~~((shall be))~~ **is** due on ~~((February 28))~~ **July 1** of the next succeeding year.

~~((2) The department will determine known generators based on the most current verified information available to the department.~~

~~((3) The department has determined potential generators to be those persons engaged in any of the following primary business activities:))~~

Table 1

Primary Business Activities of Potential Generators

~~((Primary business activities, Description))~~

Soil preparation services: Includes establishments primarily engaged in application of fertilizer, seed bed preparation, and other services for improving the soil for crop planting such as weed control.

Crop protecting services: Includes establishments primarily engaged in performing crop protecting services such as disease, weed, and insect control.

Metal mining: Includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals. These ores are valued chiefly for the metals contained, to be recovered for use as such or as constituents of alloys, chemicals, pigments, or other products. It also includes mills ~~((which))~~ **that** crush, grind, wash, dry, sinter, calcine, or leach ore, or perform gravity separation or flotation operations.

General building contractors: Includes general contractors and operative builders primarily engaged in the construction of nonresidential buildings.

Heavy construction, excluding buildings: Includes general contractors primarily engaged in heavy construction other than building, such as highways and streets, bridges, sewers, railroads, irrigation products, flood control products, and marine construction~~((and)).~~ It also includes special trade contractors primarily engaged in activities of a type that are clearly specialized to ~~((such))~~ **that type of** heavy construction and are not normally performed on buildings or building-related projects.

Painting: Includes special trade contractors primarily engaged in painting.

Floor laying and other floor work, not elsewhere classified: Includes special trade contractors primarily engaged in the installation of asphalt tile, linoleum, and resilient flooring, in laying, scraping, and finishing parquet and other hardwood flooring.

Beverages: Includes establishments primarily engaged in manufacturing:

- Malt beverages or malt byproducts; ~~((manufacturing))~~
- Wines, brandy, and brandy spirits including the blending of wines; ~~((manufacturing))~~
- Alcoholic liquors by distillation or by mixing liquors and other ingredients; ~~((manufacturing))~~
- Soft drinks and carbonated waters; and ~~((manufacturing))~~

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- Flavoring extracts, syrups, powders, and related products.

Textile mill products: Includes establishments primarily engaged in performing any of the following operations: ((+))

- Preparation of fiber and subsequent manufacturing of yarn, thread, braids, (~~twice~~) twine, and cordage; ((2))
- Manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from (~~yarn~~) yarn; ((3))
- Dyeing and finishing fiber, yarn, fabrics, and knit apparel; ((4))
- Coating, waterproofing, or otherwise treating fabrics; ((5))
- The integrated manufacture of knit apparel and other finished articles from yarn; and ((6))
- The manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

Sawmills and planing mills, general: Includes establishments primarily engaged in:

- Sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock;
- Planing mills combined with sawmills; and
- Separately operated planing mills (~~which~~) that are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hogshead stock, wood chips, and snow fence lath.

Hardwood dimension and flooring mills: Includes establishments primarily engaged in manufacturing:

- Hardwood dimension lumber and workings therefrom; ((and))
- Other hardwood dimension, semifabricated or ready for assembly;
- Hardwood flooring; and
- Wood frames for household furniture.

Millwork: Includes establishments primarily engaged in manufacturing fabricated wood millwork, including wood millwork covered with materials such as metal and plastics. Planing mills primarily engaged in producing millwork are included in this industry.

Wood kitchen cabinets: Includes establishments primarily engaged in manufacturing wood kitchen cabinets and wood bathroom vanities, generally for permanent installation.

Hardwood veneer and plywood: Includes establishments primarily engaged in producing commercial hardwood veneer and those primarily engaged in manufacturing commercial plywood or prefinished hardwood plywood. This includes nonwood backed or faced veneer and nonwood faced plywood.

Softwood veneer and plywood: Includes establishments primarily engaged in producing commercial softwood veneer

and plywood, from veneer produced in the same establishment or from purchased veneer.

Wood preserving: Includes establishments primarily engaged in treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects. This industry also includes the cutting, treating, and selling of poles, posts and piling, but establishments primarily engaged in manufacturing other wood products, which they may also treat with preservatives, are not included.

Reconstituted wood products: Includes establishments primarily engaged in manufacturing reconstituted wood products. Important products of this industry are hardboard, particleboard, insulation board, medium density fiberboard, waferboard, and oriented strandboard.

Wood products, not elsewhere classified: Includes establishments primarily engaged in manufacturing wood products, not elsewhere classified, and products from rattan, reed, splint, straw, veneer, veneer strips, wicker, and willow.

Furniture and fixtures: Includes establishments primarily engaged in manufacturing household, office, public building, and restaurant furniture; and office and store fixtures.

Paper and allied products: Includes establishments primarily engaged in the manufacture of:

- Pulps from wood and other cellulose fibers, and from rags; (~~the manufacture of~~)
- Paper and paperboard; and (~~the manufacture of~~)
- Paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes.

Also included are establishments primarily engaged in manufacturing bags of plastics film and sheet.

Printing and publishing: Includes establishments primarily engaged in printing by one or more common (~~processes~~) process, such as letterpress; lithography (including offset), gravure, or screen; and those establishments which perform services for the printing trade, such as bookbinding and platemaking (~~and~~). It also includes establishments engaged in publishing newspapers, books, and periodicals.

Chemicals and allied products: Includes establishments primarily engaged in producing basic chemicals, and establishments manufacturing products by predominantly chemical processes.

Petroleum refining and related industries: Includes establishments primarily engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials.

Rubber and miscellaneous plastic products: Includes establishments primarily engaged in manufacturing products from plastics resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or butta siak.

Stone, clay, and glass products: Includes establishments primarily engaged in manufacturing flat glass and other glass

products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand.

Primary metal industries: Includes establishments primarily engaged in:

- Smelting and refining ferrous and nonferrous metals from ore, pig, or scrap; ((#))
- Rolling, drawing, and alloying metals; ((#))
- Manufacturing castings and other basic metal products; and ((#))
- Manufacturing nails, spikes, and insulated wire and cable.

This group includes the production of coke.

Fabricated metal products: Includes establishments primarily engaged in fabricating ferrous and nonferrous metal products, such as:

- Metal cans,
- Tinware,
- Handtools,
- Cutlery,
- General hardware,
- Nonelectric heating apparatus,
- Fabricated structural metal products,
- Metal forgings,
- Metal stampings,
- Ordnance (except vehicles and guided missiles), and
- A variety of metal and wire products((#)) not elsewhere classified.

Industrial and commercial machinery and computer equipment: Includes establishments primarily engaged in manufacturing industrial and commercial machinery and equipment and computers.

Electronic and other electrical equipment and components, except computer equipment: Includes establishments primarily engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy. Included ((#)) is the manufacturing of:

- Electricity distribution equipment;
- Electrical industrial apparatus;
- Household appliances;
- Electrical lighting and ((writing)) wiring equipment;
- Radio and television receiving equipment;
- Communications equipment;
- Electronic components and accessories; and
- Other electrical equipment and supplies.

Transportation equipment: Includes establishments primarily engaged in manufacturing equipment for transportation of passengers and cargo by land, air, and water. Important products produced by establishments classified in this major group include motor vehicles, aircraft, guided missiles, and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment, such as motorcycles, bicycles, and snowmobiles.

Instruments; measuring, analyzing, and controlling photographic, medical, and optical goods; watches and clocks: Includes establishments primarily engaged in manufacturing:

- Instruments (including professional and scientific) for measuring, testing, analyzing, and controlling, and their associated sensors and accessories;
- Optical instruments and lenses;
- Surveying and drafting instruments;
- Hydrological, hydrographic, meteorological, and geophysical equipment;
- Search, detection, navigation, and guidance systems and equipment;
- Surgical, medical, and dental instruments, equipment, and supplies;
- Ophthalmic goods;
- Photographic equipment and supplies; and
- Watches and clocks.

Jewelry, silverware, and plated ware: Includes establishments primarily engaged in manufacturing:

- Jewelry and other articles made of precious metals with or without stones; ((and includes manufacturing))
- Flatware, hollowware, ecclesiastical ware, trophies, trays, and related products made of:
 - Sterling silver; ((#))
 - Metal plated with silver, gold, or other metal; ((#))
 - Nickel silver; ((#))
 - Pewter; or ((#))
 - Stainless steel.

Toys and sporting goods: Includes establishments primarily engaged in manufacturing: Sporting and athletic goods such as fishing tackle, golf and tennis goods, skis and skiing equipment.

Signs and advertising specialties: Includes establishments primarily engaged in manufacturing electrical, mechanical, cutout, or plate signs and advertising displays, including neon signs, and advertising specialties.

Railroad transportation: Includes establishments furnishing transportation by line-haul railroad, and switching and terminal establishments.

Local and interurban passenger transit: Includes establishments primarily engaged in furnishing local and suburban passenger transportation.

Water transportation: Includes establishments primarily engaged in freight and passenger transportation on the open seas or inland waters, and establishments furnishing ((such)) incidental services such as lighterage, towing, and canal operation. This major group also includes excursion boats, sightseeing boats, and water taxis.

Transportation by air: Includes establishments primarily engaged in furnishing domestic and foreign transportation by air and also those operating airports and flying fields and furnishing terminal services.

Electric services: Includes establishments primarily engaged in the generation, transmission, ~~(and)~~ or distribution, or a combination thereof, of electric energy for sale.

Combination electric and gas, and other utility services: Includes establishments providing electric or gas services in combination with other services.

Sanitary services: Includes:

- Establishments primarily engaged in the collection and disposal of wastes conducted through a sewer system; and ~~((includes))~~

- Establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of ~~((such))~~ those kinds of materials.

Motor vehicles, parts, and supplies: Includes establishments primarily engaged in the:

- Wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, including motorcycles, motor homes, and snowmobiles; ~~((the))~~

- Wholesale distribution of motor vehicle supplies, accessories, tools, and equipment except tires~~((:))~~ and new motor vehicle parts; ~~((the))~~

- Distribution at wholesale or retail of used motor vehicle parts and those primarily engaged in dismantling motor vehicles for the purpose of selling parts.

Electrical apparatus and equipment, wiring supplies, and construction materials: Includes establishments primarily engaged in the wholesale distribution of:

- Electrical power equipment for the generation, transmission, distribution, or control of electric energy;

- Electrical construction materials for outside power transmission lines and for electrical systems; and

- Electric light fixtures and bulbs.

Machinery, equipment, and supplies: Includes establishments primarily engaged in the:

- Wholesale distribution of construction or mining cranes, excavating machinery and equipment, power shovels, road construction and maintenance machinery, tractor-mounting equipment and other specialized machinery and equipment used in the construction, mining, and logging industries;

- Distribution of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm or the lawn or garden; ~~((and))~~

- Distribution of dairy and other livestock equipment; and

- Wholesale distribution of industrial machinery and equipment.

Miscellaneous durable goods: Includes establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

Chemicals and allied products: Includes establishments primarily engaged in the wholesale distribution of:

- Plastics materials, and of unsupported plastics film, sheets, sheeting, rods, tubes, and other basic forms and shapes; ~~((whole distribution of))~~

- Chemicals and allied products, such as acids, industrial and heavy chemicals, dye stuffs, industrial salts, rosin, and turpentine.

Petroleum and petroleum products: Includes establishments primarily engaged in the wholesale distribution of:

- Crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities; ~~((wholesale distribution of))~~

- Petroleum and petroleum products, except those with bulk liquid storage facilities.

Included are packaged and bottled petroleum products distributors, truck jobbers, and others marketing petroleum and its products at wholesale, but without bulk liquid storage facilities.

Farm supplies: Includes establishments primarily engaged in the wholesale distribution of fertilizers, agricultural chemicals, and pesticides.

New and used car dealers: Includes establishments primarily engaged in the retail sale of new automobiles or new and used automobiles. These establishments frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories.

Gasoline service stations: Includes gasoline service stations primarily engaged in selling gasoline and lubricating oils.

Laundry, cleaning, and garment services: Includes establishments primarily engaged in:

- Operating mechanical laundries with steam or other power;

- Linen supply;

- Coin-operated laundries and dry-cleaning;

- Dry-cleaning plants, except rug cleaning;

- Carpet and upholstery cleaning; and

- Industrial launderers.

Establishments that solely operate coin-operated washing machines and dryers and establishments that solely clean carpets or rugs are not included.

Disinfecting and pest control services: Includes establishments primarily engaged in disinfecting dwellings and other buildings, and in termite, insect, rodent, and other pest control, generally in dwellings or other buildings.

Truck rental and leasing, without drivers: Includes establishments primarily engaged in short-term rental or extended-term leasing of trucks, truck tractors, or semitrailers without drivers.

Automotive repair shops: Includes establishments primarily engaged in the:

- Repair of automotive tops, bodies, and interiors, or automotive painting and refinishing;

- ~~Customizing automobiles, trucks, and vans except on a ((factor)) factory basis; ((the))~~
- Installation, repair, or sale and installation of automotive exhaust systems; ~~((the))~~
- Repairing and retreading of automotive tires;
- Installation, repair, or sales and installation of automotive transmissions;
- General automotive repair;
- Specialized automotive repair, such as fuel service (carburetor repair), brake relining, front end and wheel alignment, and radiator repair.

Miscellaneous repair shops and related services: Includes establishments primarily engaged in:

- General repair work by welding, including automotive welding;
- Rewinding armatures and rebuilding or repairing electric motors;
- Specialized repair services, such as bicycle repair, leather goods repair;
- Lock and gun repair, including the making of lock parts or gun parts to individual order;
- Musical instrument repair;
- Septic tank cleaning;
- Farm machinery repair;
- Furnace cleaning;
- Motorcycle repair;
- Tank truck cleaning;
- Taxidermists;
- Tractor repair; and
- Typewriter repair.

Hospitals: Includes establishments primarily engaged in providing:

- Diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services; ~~((providing))~~
- General medical and surgical services and other hospital services; ~~((providing))~~
- Diagnostic medical services and inpatient treatment for the mentally ill; ~~((providing))~~
- Diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental.

Medical laboratories: Includes establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

Colleges, universities, professional schools, and junior colleges: Colleges, universities, and professional schools furnishing academic courses and granting academic degrees; or junior colleges and technical institutes furnishing academic, or academic and technical, courses, and granting associate academic degrees, certificates, or diplomas.

Research and testing services: Includes establishments primarily engaged in:

- Commercial physical and biological research and development on a contract or fee basis; or

- Performing noncommercial research into and dissemination of, information for public health, education, or general welfare; or
- Providing testing services.

Environmental quality: Government establishments primarily engaged in:

- Regulation, planning, protection and conservation of air and water resources;
- Solid waste management;
- Water and air pollution control and prevention;
- Flood control;
- Drainage development, and consumption of water resources;
- Coordination of these activities at intergovernmental levels;
- Research necessary for air pollution abatement and control and conservation of water resources; ~~((and))~~
- Government establishments primarily engaged in regulation, supervision and control of land use, including recreational areas;
- Conservation and preservation of natural resources;
- Control of wind and water erosion; ~~((and))~~
- The administration and protection of publicly and privately owned forest lands, including pest control~~((:))~~;
- Planning, management, regulation, and conservation of game, fish, and wildlife populations, including wildlife management areas and field stations; and
- Other matters relating to the protection of fish, game, and wildlife.

Establishments ~~((which))~~ that only provide information and education services to others are not included.

National security: Includes establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities.

~~(((4) A potential generator shall be exempt from the fee if the potential generator is entitled to the exemption in RCW 82.04.300 in the current calendar year.)) (2) A hazardous waste generator must be exempt from the fee imposed under this section if the value of products, gross proceeds of sales, or gross income of the business, from all business activities of the hazardous waste generator, is less than twelve thousand dollars in the current calendar year.~~

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-120 Responsibilities of the department~~((s))~~ of ecology ~~((and revenue))~~. (1) The legislature has provided that the primary responsibilities of the department of ecology are:

(a) To provide ~~((the department of revenue with))~~ a list of ~~((known))~~ hazardous waste generators and to determine the primary business activities of ~~((potential))~~ hazardous waste generators.

~~(((2) The legislature has provided that the primary responsibility of the department of revenue is)) (b) To collect the fees from ((known and potential)) hazardous waste gener-~~

ators as identified in ~~((subsection (1) of this section))~~ (a) of this subsection.

~~((3))~~ (2) The department of ecology will periodically amend the list of primary business activities of ~~((potential))~~ hazardous waste generators by reviewing the most current verified information that is available to the department.

PART C

~~((ADDITIONAL))~~ HAZARDOUS WASTE PLANNING FEE

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-210 Imposition of fee. (1) The fee is imposed on hazardous waste generators and hazardous substance users required to prepare plans under RCW 70.95E.030. The department may waive the fee for individual facilities when the amount owed is less than the estimated cost of collection. This provision does not waive the requirement to prepare a plan.

(2) The department will determine who, specifically ~~((has)), is required~~ to pay the fee each year and the amount of the fee based on the most current verified information available to the department. Note: Information collected on toxic emissions will not be verified.

(3) The total fees collected under RCW 70.95E.030 ~~((shall))~~ may not exceed the department's cost of implementing RCW 70.95C.200.

(4) A person ~~((that))~~ who develops a plan covering more than one interrelated facility as provided for in RCW 70.95C.200 ~~((shall))~~ must be assessed fees only for the number of plans prepared. In instances where a person has interrelated facilities without substantially similar processes, a single document may be prepared for the convenience of management but the document must contain separate detailed plans for each facility. In these cases, each detailed plan within the document ~~((shall))~~ must be assessed a fee.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-220 ~~((Additional))~~ Hazardous waste planning fee. (1) The department shall calculate the adjusted fees, annual fee, and maximum total fees using the formula in subsection (3) of this section. The formula uses a risk factor of one for dangerous waste and emissions, and a multiplication factor of ten for extremely hazardous waste. For purposes of this section, hazardous waste reported on the annual dangerous waste generator report as having been either recycled on-site or recycled for beneficial use off-site, including initial amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use, ~~((shall))~~ may not be used in the calculation of hazardous waste generated. A facility may petition the director to exclude hazardous wastes recycled for beneficial use even if they were not reported as such on the annual dangerous waste generator report. Documentation from the hazardous waste

handling facility that the hazardous waste was recycled for beneficial use must be submitted along with the petition.

(2) Fees in subsection (3) of this section are based on the following definitions:

(Note: The terms "dangerous waste" and "extremely hazardous waste" as used in this subsection ~~((utilize))~~ use the same basic definition as in WAC 173-305-020, but are modified as follows for the fee calculation only.)

Dangerous waste is the number of pounds of dangerous waste reported ~~((which is))~~ that are not recycled for beneficial use, calculated so that wastewater discharged under permit by rule ~~((pursuant to))~~ under WAC 173-303-802 is excluded.

Emissions is the number of pounds of emission reported under Toxic Chemical Release Reporting, 40 CFR Part 372, by a company. If emissions are reported in ranges, the middle value of the reported range will be used in the calculation.

Extremely hazardous waste is the number of pounds of extremely hazardous waste reported ~~((which is))~~ that are not recycled for beneficial use, calculated so that wastewater discharged under permit by rule ~~((pursuant to))~~ under WAC 173-303-802 is excluded.

The ~~((priced))~~ price deflator is the "*Implicit price deflator for gross national product*" ~~((=))~~ for ~~((=))~~ government purchases of goods and services ~~((=))~~ for ~~((=))~~ state and local government."

The total risk pounds for a facility or set of interrelated facilities is equal to ten times the number of pounds of extremely hazardous waste generated, plus the number of pounds of dangerous waste generated, plus the number of pounds of emission reported by that facility.

(3) The annual fee for a facility or set of interrelated facilities ~~((shall be))~~ is equal to the rate per risk pound times the total risk pounds. The rate for the risk pounds ~~((shall))~~ must be calculated by the department so that the maximum total fee in (a) of this subsection can be obtained. The annual fee for each facility or set of interrelated facilities ~~((shall be))~~ is subject to the limitations in (b) and (c) of this subsection.

(a) The maximum total fees collected ~~((shall))~~ must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment ~~((shall be))~~ is the second quarter price deflator for 1990. The maximum total fees for 1990 ~~((shall))~~ must be one million dollars.

(b) The maximum fee for any facility or interrelated facility ~~((shall))~~ must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment ~~((shall be))~~ is the second quarter price deflator for 1990. The maximum annual fee for 1990 ~~((shall))~~ must be ten thousand dollars.

(c) The maximum annual fee for a generator ~~((that))~~ who generates between two thousand six hundred forty and four thousand pounds of dangerous and extremely hazardous waste ~~((shall))~~ must be determined based on the maximum total annual fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used

in the numerator for the previous year. The price deflator used in the denominator for the first adjustment (~~((shall be))~~) is the second quarter price deflator for 1990. The maximum annual fee for 1990 (~~((shall))~~) must be fifty dollars.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-230 Due dates. (1) Fees imposed by RCW 70.95E.030 (~~((shall be))~~) are first due on July 1, 1991, for facilities that are required to prepare plans in 1992, on July 1, 1992, for facilities that are required to prepare plans in 1993, and on July 1, 1993, for facilities that are required to prepare plans in 1994. Fees for facilities that are required to prepare plans following 1994 (~~((shall be))~~) are first due on July 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste and/or are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(2) If a facility pays a fee in anticipation of preparing a plan the following year, and circumstances change so that the facility is no longer required to prepare a plan, the facility may request, by letter, a refund of the fee from the department (~~((and;))~~). Upon verification of the information submitted, ((it shall be granted. This request is made by letter to the department)) the department shall grant the refund.

AMENDATORY SECTION (Amending Order 90-56, filed 4/1/91, effective 5/2/91)

WAC 173-305-240 Responsibilities of the department((s)) of ecology ((and revenue)). (1) The legislature has provided that the primary responsibility of the department of ecology is to (~~((provide the department of revenue by April 30 of each year with))~~) develop, by April 30 of each year, a list of persons subject to the fee and the amount of their fee. The fees (~~((shall))~~) must be calculated based on the formulas in WAC 173-305-220(3).

(2) The department of ecology shall collect the fees and subtract any overpayment of the fee in the previous year from the fee for the current year. The department shall also subtract any interest accrued on an overpayment from the fee for the current year if the overpayment was made due to an error which was the responsibility of the department or an overestimate of rate per risk pound for the prior year.

(3) If there are resubmissions of hazardous waste annual reports (~~((and/))~~) or toxic release inventory reports, or both, the department shall add any underpayment of the fee in previous years to the fee for the current year.

~~((4) The legislature has provided that the primary responsibility of the department of revenue is to collect the fees from those identified in subsection (1) of this section.))~~

WSR 00-16-113
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 2, 2000, 9:26 a.m., effective September 1, 2000]

Date of Adoption: August 2, 2000.

Purpose: The revision was done to meet the requirements of the WAC migration of Title 388 WAC and to meet the standards of Executive Order 97-02 for regulatory improvement. Chapter 388-235 WAC was repealed, the rules were rewritten and incorporated into chapter 388-448 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-235-1500 Persons in institutions, 388-235-5000 Incapacity determination—Process, 388-235-5050 Waiver of medical documentation and progressive evaluation process (PEP), 388-235-5060 Determination of capacity to engage in gainful employment, 388-235-5070 Sources of medical evidence, 388-235-5080 Medical evidence requirements, 388-235-5090 Assigning severity ratings, 388-235-5100 PEP step I—Review of medical documentation, 388-235-5200 PEP step II—Severity of mental impairments, 388-235-5300 PEP step III—Severity of physical impairments, 388-235-5400 Progressive evaluation process—Step IV—Multiple impairments, 388-235-5500 Progressive evaluation process—Step V—Functional mental capacity, 388-235-5600 Progressive evaluation process—Step V—Functional physical capacity, 388-235-5700 Evaluating vocational factors for progressive evaluation process—Steps VI and VII, 388-235-5800 Progressive evaluation process—Step VI—Evaluate capacity to perform past work, 388-235-5900 Progressive evaluation process—Step VII—Evaluating capacity to perform other work, 388-235-6000 Duration of assistance based on incapacity, 388-235-7000 Purpose of referrals, 388-235-7100 Treatment and referral requirements, 388-235-7200 Other agency referral requirements, 388-235-7300 ADATSA referral requirements, 388-235-7400 Protective payments, 388-235-7500 Good cause for refusing medical treatment or other agency referrals, 388-235-7600 Sanction for refusing medical treatment or other agency referrals, 388-235-8000 Redetermination of financial eligibility, 388-235-8100 Redetermination of incapacity, 388-235-8130 Determining a recipient is no longer incapacitated—Termination proviso, 388-235-8140 Redetermination of eligibility based on mental retardation, 388-235-8150 Redetermination for a recipient appearing to meet federal disability criteria for SSI, 388-235-8200 Reinstating eligibility after termination due to lack of medical evidence, 388-235-9000 How benefits from other programs affect your eligibility for general assistance-unemployable, 388-235-9100 GAU pending SSI eligibility, 388-235-9200 Assignment and recovery of interim assistance, and 388-235-9300 GAU to an SSI recipient whose SSI check is lost, stolen, or missent.

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

Adopted under notice filed as WSR 00-11-129 on May 22, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 22, Amended 0, Repealed 34.

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 22, Amended 0, Repealed 34.

Effective Date of Rule: September 1, 2000.

August 2, 2000

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 00-17 issue of the Register.

WSR 00-16-134

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 00-14—Filed August 2, 2000, 10:38 a.m.]

Date of Adoption: August 1, 2000.

Purpose: In *U.S. v. Locke, et al.*, _U.S._, 120 S.Ct. 1135 (2000), a portion or all of WAC 317-21-130, 317-21-200, 317-21-230, and 317-21-250 were determined to be preempted by federal law. The rules that were specifically stricken by the supreme court attempted to regulate in areas reserved by the constitution and congress for the federal government. The remaining rules cited above were remanded for a determination as to whether those rules also operate in a reserved field or whether they are in conflict with an existing federal regulation. Under the supreme court's ruling states may regulate vessels based on the peculiarities of local waters that call for special precautionary measures where the state rules do not conflict with existing federal rules. This holding in effect declared unconstitutional the authority granted under RCW 88.46.040 to the extent the statute authorizes or requires rules preempted under the United States Constitution and by congress. As written, the remaining rules that were challenged, either fall within a reserved field or they are not directed specifically to local circumstances and problems.

Citation of Existing Rules Affected by this Order: Repealing WAC 317-21-130 Event reporting, 317-21-200 Operating procedures—Watch practices, 317-21-205 Operating procedures—Navigation, 317-21-210 Operating procedures—Engineering, 317-21-215 Operating procedures—Preatrival tests and inspections, 317-21-220 Operating procedures—Emergency procedures, 317-21-225 Operating procedures—Events, 317-21-230 Personnel policies—Training,

317-21-235 Personnel policies—Illicit drugs and alcohol use, 317-21-240 Personnel policies—Personnel evaluation, 317-21-245 Personnel policies—Work hours, 317-21-250 Personnel policies—Language, 317-21-255 Personnel policies—Recordkeeping, 317-21-260 Management, 317-21-265 Technology, and 317-21-540 Advance notice of entry and safety reports.

Statutory Authority for Adoption: RCW 34.05.354.

Adopted under preproposal statement of inquiry filed as WSR 00-12-091 on June 7, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

August 1, 2000

Tom Fitzsimmons

Director

PERMANENT



WSR 00-16-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-120—Filed July 20, 2000, 3:19 p.m.]

Date of Adoption: July 19, 2000.

Purpose: Amend small game rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-276.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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 rule provides for the selection of persons for the fall 2000 permit only turkey hunts authorized by permanent rule of the commission in WSR 00-11-137. The selection process was inadvertently left out of WAC 232-28-276, and is needed to allow for the permit hunts to go forward. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 19, 2000
 J. P. Koenings
 Director

NEW SECTION

WAC 232-28-27600A Fall 2000 turkey permit hunts—Selection procedure—Reporting requirements.

(1) To apply for fall 2000 permit hunts for wild turkey, applicants must have a valid Washington small game hunting license. Hunters who have taken three turkeys statewide or two turkeys from Eastern Washington are not eligible to apply for a fall 2000 turkey permit hunt unless one of the turkeys was taken pursuant to a turkey raffle drawing, in which case such hunter is eligible to apply.

(2) Applications:

(a) To be eligible for the fall turkey permit hunts drawing, each application must include a valid permit area, and the

applicant's complete name, correct mailing address, date of birth, and a valid Washington small game hunting license number.

(b) Partnership applications will be accepted. A partnership consists of two hunters. If a partnership application is drawn, each hunter will receive a permit and each hunter can take a turkey.

(c) Application deadline: To qualify for the fall 2000 turkey drawing, all applications must be postmarked no later than August 25, 2000, or received at department headquarters or a department regional office no later than 5:00 p.m. on August 25, 2000.

(3) An applicant's name may appear on only one special permit hunt application for fall 2000 turkey. If an applicant's name appears on more than one application, all applications are ineligible for the drawing and no points will be accrued for that year. For partnership applications that are ineligible because one of the partners has the hunter's name on more than one application, both applicants will be made ineligible for the drawing and no points will be accrued for that year.

(4) Permits will be drawn by computer selection using a weighted point selection system.

(5) To be eligible to accrue points, each application must include either a valid social security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of social security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(7) Inaccurate applications:

(a) If an applicant makes a mistake, applies for the wrong permit area, and is drawn, the permit may be returned to the department of fish and wildlife Olympia headquarters before October 1, 2000. The applicant's points will be restored to the condition they were in prior to the drawing.

(b) If an applicant inaccurately submits the hunter's identification number on an application, no points will be accrued for that year under the correct identification number.

(8) All applicants will receive notice of drawing results, including permits for successful applicants, by mail by September 15, 2000.

(9) Permit holders must have a valid, unused turkey transport tag in possession to hunt turkeys in the fall season.

(10) Permit hunting report: A hunter report will be sent to each fall turkey permit holder and must be returned to department headquarters or a regional office or postmarked by October 15, 2000.

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.

EMERGENCY

WSR 00-16-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-121—Filed July 21, 2000, 4:57 p.m., effective July 23, 2000,
 11:59 p.m.]

Date of Adoption: July 21, 2000.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100E; and amending WAC 220-52-051.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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 state's quota share of spot shrimp in Crustacean Management Areas 1B, 24A, 24B, 24C, 24D, 26A, and 26B-1 (the area in 26B outside of the area described above) has been taken. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 23, 2000, 11:59 p.m.

July 21, 2000

J. P. Koenigs

Director

NEW SECTION

WAC 220-52-05100F Shrimp fishery—Puget Sound. Notwithstanding the provisions of WAC 220-52-051, effective 11:59 p.m. July 23, 2000 until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) All waters of Crustacean Management Regions 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species by pot gear except as provided below:

(a) It is unlawful to harvest spot shrimp for commercial purposes using shellfish pot gear in Marine Fish-Shellfish Management and Catch and Reporting Area 26B except in those waters south of a line from Alki Point to Orchard Point

and north of a line from West Point to Skiff Point excluding those waters north of the Richmond Beach Park (47 degrees and 46 minutes latitude), south of Edwards Point, and east of the 100 fathom depth contour.

(b) All waters of Crustacean Management Regions 1B, and Marine Fish-Shellfish Management and Catch and Reporting Areas 24A, 24B, 24C, 24D, and 26A are open to harvest of all shrimp species except spot shrimp.

(c) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week or to exceed 300 pounds per week from Crustacean Management Regions 2 or 4. Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Management and Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected true north from the new Dungeness light), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday.

(d) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area.

(ii) The Marine Fish-Shellfish Management and Catch Reporting Area that pots are being moved to.

(e) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 5 above.

(2) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear except:

(a) Crustacean Management Regions 1A, 1B and 1C - Open until further notice except as provided below.

(b) Crustacean Management Region 3 - Open until further notice, except closed in waters of Marine Fish-Shellfish Management and Catch Reporting Area 23A west of a line projected due north from the Dungeness lighthouse.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot gear in Shrimp Districts 1, 3, 4, 5, and 6 and it is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Shrimp Districts 1, 2, 3, 4, 5, and 6.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

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. July 23, 2000:

WAC 220-52-05100E Shrimp fishery—Puget Sound (00-117)

**WSR 00-16-026
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-122—Filed July 21, 2000, 4:59 p.m., effective July 25, 2000, 8:00 a.m.]

Date of Adoption: July 21, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Q; and amending WAC 232-28-619.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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: It is expected that the needed brood stock (approximately 350 adult steelhead) for this brood year will have been collected at the Reiter Pond facility by July 25, 2000. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 25, 2000, 8:00 a.m.

July 21, 2000

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900Q Exceptions to statewide rules—Skykomish River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective 8:00 a.m. July 25 through July 31, 2000, it is lawful to fish for game fish in those waters of the Skykomish River 1500' upstream to 1000' downstream of Reiter Ponds outlet.

(2) Night closure and non-buoyant lure restriction in effect.

(3) Fishing for game fish from any floating device is prohibited.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. August 1, 2000:

WAC 232-28-61900Q Exceptions to statewide rules—Skykomish River.

**WSR 00-16-038
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 25, 2000, 4:08 p.m.]

Date of Adoption: July 25, 2000.

Purpose: Declare a dividend that is to be distributed to all businesses that paid into the industrial insurance accident fund between July 1, 1998, through June 30, 1999.

Statutory Authority for Adoption: RCW 51.04.020, 51.16.035, 51.16.160.

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: Declare a dividend that is to be distributed to all businesses that paid into the industrial insurance accident fund between July 1, 1998, though June 30, 1999, (fiscal year 1999). The department is required to

EMERGENCY

WSR 00-16-039

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 00-123—Filed July 25, 2000, 4:30 p.m., effective August 1, 2000, 12:01 a.m.]

Date of Adoption: July 25, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-160.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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

Reasons for this Finding: This regulation changes Buoy 10 upstream line and daily limit consistent with North of Falcon rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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: August 1, 2000, 12:01 a.m.

July 25, 2000

Evan Jacoby

for J. P. Koenings

Director

NEW SECTION

WAC 220-57-16000Z Columbia River—Salmon season and areas. Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. August 1, 2000 until further notice, in those waters of the Columbia River from Buoy 10 upstream to a line between Rocky Point in Washington to Tongue Point in Oregon, the daily limit is two salmon of which only one may be a chinook.

declare the dividend and formula to be used to calculate the dividend. It is essential to issue the dividend refunds quickly as the interest bearing market funds to produce the surplus dividend has a potential to be volatile. This rule is not to be promulgated on a permanent basis.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 25, 2000

Gary Moore

Director

NEW SECTION

WAC 296-17-90501 Dividend declaration. As provided in WAC 296-17-905 and 296-17-907, the director declares a dividend for employers insured by the industrial insurance accident fund for the fiscal year period beginning July 1, 1998, through June 30, 1999, in the amount of approximately two hundred million dollars.

The department will freeze and evaluate the accident fund premium data on July 28, 2000, to determine the exact amount of the dividend. Dividend payments shall be made to employers with reasonable efforts within sixty days of July 28, 2000, but not to exceed one hundred twenty days from the filing of this rule. The department shall distribute dividends to all employers that paid premiums into the accident fund for the fiscal year period beginning July 1, 1998 through June 30, 1999. Employers entitled to a dividend distribution who are not in default as of July 28, 2000, for failure to pay assessments owed to the department, including any over due premiums, interest and/or penalties owed to the department shall receive a dividend payment; other eligible employers will receive credit to their industrial insurance account.

The dividend has been determined by the actuaries of the department and an employer's share is to be calculated using the following formula:

$$\text{Employer's Dividend} = \text{FY 1999 Accident fund premiums collected and assessed net of up-front discounts} \times \underline{30.8\%}$$

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

EMERGENCY

WSR 00-16-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-125—Filed July 25, 2000, 4:32 p.m.]

Date of Adoption: July 25, 2000.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-52-05100F; and amending WAC 220-52-051.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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 state's share of spot shrimp in Marine Fish-Shellfish Management and Catch Reporting Areas 23A (eastern portion), 25A and Crustacean Management Region 1C is projected to be taken by the action dates herein. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 25, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-52-05100G Shrimp fishery—Puget Sound.

Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) All waters of Crustacean Management Regions 1B, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species by pot gear except as provided below:

(a) It is unlawful to harvest spot shrimp in all waters of Crustacean Management Region 1B.

(b) It is unlawful to harvest spot shrimp in Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A.

(c) It is unlawful to harvest spot shrimp in Marine Fish-Shellfish Management and Catch Reporting Area 23A east of a line projected 335 degrees true from the Dungeness Lighthouse.

(d) It is unlawful to harvest spot shrimp in Marine Fish-Shellfish Management and Catch Reporting Area 26B except in those waters south of a line from Alki Point to Orchard Point and north of a line from West Point to Skiff Point excluding those waters north of the Richmond Beach Park (47 degrees and 46 minutes latitude), south of Edwards Point, and east of the 100 fathom depth contour.

(e) Effective 11:59 p.m., July 28, 2000, it is unlawful to harvest spot shrimp in Marine Fish-Shellfish Management and Catch Reporting Area 25A.

(f) Effective 11:59 p.m., July 30, 2000, it is unlawful to harvest spot shrimp in Crustacean Management Region 1C.

(g) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 800 pounds per week or to exceed 300 pounds per week from Crustacean Management Region 4. Any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Management and Catch and Reporting Areas 23C, 23D, 29, or the western portion of Marine Fish-Shellfish Catch and Reporting Area 23A (west of a line projected true north from the new Dungeness light), or any combination of these areas, shall not be subject to the weekly spot shrimp trip limit for that week. The spot shrimp trip limit accounting week is Monday through Sunday.

(h) It is unlawful to fish for shrimp in Puget Sound in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include the following additional information.

(i) The number of pots being moved to a new area.

(ii) The Marine Fish-Shellfish Management and Catch Reporting Area that pots are being moved to.

(i) It is unlawful to set or pull shellfish pots in one Marine Fish-Shellfish Management and Catch Reporting Area while in possession of shrimp harvested from another Marine Fish-Shellfish Management and Catch Reporting Area except shellfish pots may be set in a new fishing area subsequent to making a report as indicated in Section 5 above.

(2) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear except:

(a) Crustacean Management Regions 1A, 1B and 1C - Open until further notice except as provided below.

(b) Crustacean Management Region 3 - Open until further notice, except closed in waters of Marine Fish-Shellfish Management and Catch Reporting Area 23A west of a line projected due north from the Dungeness lighthouse.

(c) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(d) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(e) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(3) It is unlawful to harvest shrimp using shellfish pot or shrimp beam trawl gear from one hour after official sunset to one hour before official sunrise.

(4) It is unlawful to fish for shrimp in Puget Sound with shellfish pot gear in Shrimp Districts 1, 3, 4, 5, and 6 and it is unlawful to fish for shrimp in Puget Sound with beam trawl gear in Shrimp Districts 1, 2, 3, 4, 5, and 6.

(5) All shrimp taken under this section must be sold to licensed Washington wholesale fish dealers. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer or, if transferred at sea, without transfer to a licensed wholesale dealer.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100F Shrimp fishery—Puget Sound (00-121)

**WSR 00-16-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-127—Filed July 26, 2000, 4:38 p.m., effective August 1, 2000, 12:01 p.m.]

Date of Adoption: July 25, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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 Washington Department of Fish and Wildlife in cooperation with the Washington

Department of Ecology and Resource Management, Inc., is applying the third herbicide treatment to control invasive milfoil through middle sections of the lake. Previous treatments were in June and July. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 1, 2000, 12:01 a.m.

July 25, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 232-28-61900S Exceptions to statewide rules—Kress Lake (Cowlitz County) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. August 1, through August 3, 2000 it is unlawful to fish in those waters of Kress Lake.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 4, 2000:

WAC 232-28-61900S Exceptions to statewide rules—Kress Lake.

**WSR 00-16-060
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-129—Filed July 26, 2000, 4:42 p.m.]

Date of Adoption: July 26, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-187.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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

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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 an extreme risk of fire in Eastern Washington, and the department of [is] coordinating fire protection with the Department of Natural Resources. This rule is for the protection of department lands and surrounding areas. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 26, 2000

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 232-12-18700A Use of department lands—Open fires prohibited. Notwithstanding the provisions of WAC 232-12-187, effective immediately until further notice it is unlawful to set or maintain any open fire on department owned or controlled lands in Eastern Washington, except that self-contained camp stoves are permitted and fires may be set and maintained within metal- or concrete-lined fire pits located within designated campgrounds. Fires in hand-dug pits are prohibited.

**WSR 00-16-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-131—Filed July 26, 2000, 4:45 p.m.]

Date of Adoption: July 26, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-235.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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: These rules are interim until permanent rules which were filed on July 24, 2000, take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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.

July 26, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-23500G Possession limits—Bottomfish. Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice, the daily limit for Rockfish in Catch Record Card Areas 1 through 4 is 10 fish of which no more than 2 may be canary rockfish and no more than 2 may be yelloweye rockfish.

**WSR 00-16-062
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-130—Filed July 27, 2000, 1:43 p.m.]

Date of Adoption: July 26, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-278.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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: Recently adopted permanent rules inadvertently opened all of GMU 381 to harvest of mule deer does and less mature bucks. The population level in

eastern GMU 381 cannot support such harvest by modern firearm hunters. This rule will make eastern GMU 381 the same as other eastern Washington mule deer units, with a 3-point minimum. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 26, 2000
Evan Jacoby
for Jeff Koenings
Director

Tatoosh Island are closed consistent with state/tribal agreement. Waketickeh and Colvos Passage are closed to preserve the character of the marine preserves. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 27, 2000
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-27-27800A Deer seasons—3 point minimum in eastern GMU 381. Notwithstanding the provisions of WAC 232-28-278, during the open modern firearm mule deer season in GMU 381, 3-point minimum in that portion of the GMU east of U.S. Highway 395 to the junction with State Route 17 and in that portion east of State Route 17.

**WSR 00-16-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**
[Order 00-128—Filed July 27, 2000, 4:12 p.m.]

Date of Adoption: July 27, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07100N; and amending WAC 220-52-071.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in all districts and areas listed. Northern San Juan Channel, southwestern Haro Strait, and

NEW SECTION

WAC 220-52-07100P Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumber taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. July 31, 2000 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 (Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B) only on Monday, July 31, 2000. Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 2 (Marine Fish Shellfish Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29), and Marine Fish Shellfish Catch Reporting Areas 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following areas are closed to the harvest of sea cucumbers at all time:

(a) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(b) Those waters of San Juan Channel and Upright Channel within the following lines: north and west of a line from the northernmost point of Turn Island on San Juan Island to Flat Point on Lopez Island and thence projected from Flat Point true west to Shaw Island, north of a line projected from the northernmost point on Turn Island true west to San Juan Island, west of a line from Neck Point on Shaw Island to

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Steep Point on Orcas Island, and south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(c) Tatoosh Island - Those waters within one-quarter mile of Tatoosh Island.

(d) Waketickeh Creek Conservation Area - Waters and bedlands from Waketickeh Creek (located 1,000 yards north-east of Cummings Pt.) Out perpendicular to shore 500 yards then parallel to shore northeast 1,700 yards, then back to shore along a line perpendicular to shore, excluding the areas within 100 feet of ordinary high water.

(e) Colvos Passage Marine Preserve - Area enclosed by a line starting at extreme low water 300 feet southwest of the southern boundary of Sunrise County Park, Pierce County (Latitude 47°20.9'N) due east 300 feet, then southwesterly paralleling the shoreline for 500 feet, then west to the extreme low water line then northeasterly along extreme low water line to point of origin.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resource, on July 29 and 30, and August 5, 6, 12, 13, 19, 20, 26, and 27, 2000.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100N Sea cucumbers. (00-95)

WSR 00-16-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-126—Filed July 27, 2000, 4:15 p.m., effective August 1, 2000, 12:01 a.m.]

Date of Adoption: July 26, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-61900L; and amending WAC 232-12-619.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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: These rules implement recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council, and are interim until permanent rules take effect. Anticipating recycling 500 to 600 additional steelhead to the Washougal River through the end of July and early August, keeping the river open would provide opportunity for anglers to harvest these fish.

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: August 1, 2000, 12:01 a.m..

July 26, 2000

J.P. Koening

Director

by Larry Peck

NEW SECTION

WAC 232-12-61900N Exceptions to statewide rules—North of Falcon 2000 emergency rules. Notwithstanding the provisions of WAC 220-56-205, Chapters 220-57 and 220-57A WAC and WAC 232-28-619:

1. Bear River (Pacific County) - Effective immediately until further notice the river is closed to salmon fishing and single point barbless hooks, nonbouyant lures and night closure not required until August 16, 2000.

2. Beaver Creek (Thurston County) - Effective immediately until further notice when open trout minimum size 14 inches.

3. Blooms Ditch (Thurston County) - Effective immediately until further notice when open trout minimum size 14 inches.

4. Bogachiel River (Clallam County) - Effective immediately until further notice when open for salmon release wild adult coho and wild adult chinook.

5. Calawah River (Clallam County) - Effective immediately until further notice when open for salmon release wild adult coho and wild adult chinook.

6. Canyon Creek (Clark County) - Effective immediately until further notice when open trout daily limit five fish.

7. Canyon Creek (Klickitat County) - Effective immediately until further notice when open statewide rules apply.

8. Carbon River (Pierce County) - Effective August 1 until further notice nonbuoyant lure restriction and night closure from mouth to Voight Creek.

9. Clover Creek (Pierce County) - Effective immediately until further notice when open trout daily limit two fish.

10. Copalis River (Grays Harbor County) - Effective immediately until further notice closed to salmon angling.

11. Cowlitz River (Cowlitz/Lewis Counties) - Effective August 1 until further notice: Salmon daily limit 6 fish of which no more than 2 may be adult fish. Release chum, chinook and wild coho.

12. Deep River (Wahkiakum County) - Effective immediately until further notice: Salmon open. Daily limit 6 fish of which no more than 2 may be adult fish. Release chum and wild coho.

13. Dickey River (Clallam County) - Effective immediately until further notice release wild adult coho and wild adult chinook.

14. Elwha River (Clallam County) - Effective August 1 until further notice fly fishing only from mouth to marker at the outfall of the WDFW rearing channel.

15. Green River (Cowlitz County) - Effective August 1 until further notice release chinook.

16. Hoh River (Jefferson County) - Effective immediately until further notice the daily limit may contain up to two adult salmon from mouth to DNR oxbow campground boat launch, except release wild adult chinook

17. Hoko River (Clallam County) - Effective immediately until further notice from upper Hoko Bridge to Ellis Creek Bridge: Trout: Fly fishing only and release all fish.

18. Kalama River (Cowlitz County) - Effective immediately until further notice fishing from a floating device equipped with a motor prohibited in all waters upstream from the Modrow Bridge. From mouth to 1000 feet below fishway at upper salmon hatchery: Salmon: daily limit 6 fish of which no more than 2 may be adult fish. Release chum and wild coho.

19. Kilickitat River (Klickitat County) - Effective immediately until further notice release wild coho.

20. Little Quilcene River (Jefferson County) - Effective immediately until further notice statewide rules except trout minimum length fourteen inches.

21. Naselle River (Pacific/Whakiakum Counties) - Effective August 16 until further notice nonbuoyant lure and night closure downstream from North Fork and fishers may not allow their line, lures or bait to remain stationary in the water from the Crown Main Line Bridge downstream.

22. Nemah River, North, Middle and South (Pacific County) - Effective August 16 until further notice nonbuoyant lure restriction and night closure on North and Middle Nemah and South Nemah from mouth to confluence with Middle Nemah.

23. Niawiakum River (Pacific County) - Single point barbless hooks, nonbuoyant lure restriction and night closure not required until August 16. Effective immediately until further notice closed to salmon fishing.

24. Nooksack River (Whatcom County) - Effective immediately until further notice mainstem closed from Mount Baker High School bus barn to confluence of North and South forks.

25. North River (Grays Harbor/Pacific Counties) - Single point barbless hooks, nonbuoyant lure restriction and night closure not required until August 16. Effective immediately until further notice closed to salmon fishing.

26. Palix River, including all forks (Pacific County) - Single point barbless hooks, nonbuoyant lure restriction and night closure not required until August 16. Effective immediately until further notice closed to salmon fishing.

27. Quillayute River (Clallam County) - Effective immediately through August 31 release wild adult coho and wild adult chinook.

28. Sauk River, South Fork (Skagit/Snohomish Counties) - Upstream from Elliott Creek: Trout: Statewide rules.

29. Skokomish River (Mason County) - Effective August 1 until further notice from mouth to Highway 101 Bridge, salmon daily limit 6 fish of which no more than 2 may be adult salmon, of which not more than one may be a chinook. Release chum.

30. Smith Creek (Pacific County) - Effective immediately until further notice closed to salmon fishing. Effective August 16 until further notice nonbuoyant lure restriction and night closure from mouth to Highway 101 Bridge.

31. Sol Duc River (Clallam County) - Effective immediately through August 31 release wild adult coho and wild adult chinook.

32. Tapps Lake Intake Canal (Pierce County) - Effective immediately until further notice, bass: release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

33. Tilton River (Lewis County) - Effective immediately until further notice release wild coho.

34. Toutle River (Cowlitz County) - Effective August 1 until further notice in mainstem from mouth to forks and North Fork to posted deadline below fish collection facility: salmon daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and chinook. Release wild coho downstream of the forks.

35. Washougal River (Clark County) - Effective August 1 through August 15, 2000 in those waters from the mouth to bridge at Salmon Falls, open for trout, wild cutthroat release. Nonbuoyant lure restriction and night closure. Effective August 16, through October 14, 2000 closed.

36. Willapa River (Pacific County) - Effective August 16 nonbuoyant lure restriction and night closure.

37. Wind River (Skamania County) - Effective August 1 until further notice nonbuoyant lure restriction and night closure from mouth to Burlington Northern Railroad Bridge.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2000:

WAC 232-12-61900L	Exceptions to statewide rules—North of Falcon 2000 emergency rules. (00-58)
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WSR 00-16-081
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 00-132—Filed July 28, 2000, 3:51 p.m., effective August 3, 2000, 7:00 p.m.]

Date of Adoption: July 28, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000F; and amending WAC 220-33-010.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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 sturgeon remain on the non-Indian commercial allocation for 2000. The season provides the commercial industry access to a portion of their sturgeon allocation during a time frame when salmon and steelhead are not present in large numbers, and provides maximum economic benefits. This season is consistent with the precepts of the Joint State Sturgeon Accord agreement between the states of Washington and Oregon concerning Columbia River sturgeon management downstream of Bonneville Dam. This rule is consistent with actions of the Columbia River Compact on July 27, 2000.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 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: August 3, 2000, 7:00 p.m.

July 28, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-33-01000F Columbia River season below Bonneville Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: SMCRA 1A, 1B, and 1C upstream to the Longview Bridge

a) SEASON: 7:00 p.m. Thursday, August 3, 2000 to 7:00 a.m. Friday, August 4, 2000

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh. The lead or weight on the leadline cannot exceed

two pounds in any one fathom, with measurement taken along the corkline of the net.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) OTHER: White sturgeon less than 48 inches or greater than 60 inches, or green sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be immediately returned to the water.

It is unlawful to gaff sturgeon.

It is unlawful to sell unprocessed eggs from lower Columbia River sturgeon.

e) SANCTUARIES: Grays, Elokomin-A, Big Creek, Gnat Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 a.m. August 4, 2000:

WAC 220-33-01000F Columbia River season below Bonneville.

**WSR 00-16-082
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-133—Filed July 28, 2000, 3:56 p.m., effective July 29, 2000, 11:59 p.m.]

Date of Adoption: July 28, 2000.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500S; and amending WAC 220-56-255.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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 halibut quota for Marine Area 1 is anticipated July 29, 2000. This action is necessary to conform with similar actions taken by the National Marine Fisheries Service and is in accordance with the provision of the halibut catch sharing plan. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 29, 2000, 11:59 p.m.

July 28, 2000

Evan Jacoby

for Jeff P. Koenings

Director

NEW SECTION

WAC 220-56-25500T Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, effective immediately until further notice further notice, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Marine Area 1: Closed effective 11:59 p.m. July 29, 2000 until further notice.

(2) Marine Area 2: Closed until further notice.

(3) Marine Areas 3 and 4: Closed until further notice.

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. July 29, 2000:

WAC 220-56-25500S Halibut—Seasons—Daily limits. (00-103)

July 31, 2000

Marie Myerchin-Redifer
Manager

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Changes to restrict eligibility for payments under AREN are needed because the funds used under this program were far greater than the expected demand an allotted budget for the biennium. At current spending levels, the funds for the program will run out in December of 2000. The Department of Social and Health Services will not receive additional funds for this program until the next biennium starting July 1, 2001.

DSHS has worked together with the Coalition for the Homeless and Columbia Legal Services to develop the changes in this policy that allow the department to keep the AREN program through the biennium while serving clients that are in need of additional help to have safe housing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: August 1, 2000.

AMENDATORY SECTION (Amending WSR 99-14-046, filed 6/30/99, effective 8/1/99)

WAC 388-436-0002 If my family has an emergency, can I get help from DSHS ((provides a cash benefit called additional requirements for emergent needs (AREN) to help families pay for short term expenses caused by an emergency-)) to get or keep our housing or utilities? DSHS has a program called additional requirements for emergent needs (AREN). If your family has an emergency and you need a special one-time cash payment to get or keep safe housing or utilities, you may be eligible. The special AREN payment is in addition to the regular monthly cash grant your family may already receive. To receive AREN, you must meet the requirements explained below. (1) ~~(Who can receive additional requirements for emergent needs (AREN) benefits?~~

~~A family may request AREN benefits if they have applied for or already get cash assistance from the temporary assistance for needy families (TANF), state family assistance (SFA) or refugee cash assistance (RCA) program. The family must meet the eligibility conditions for TANF, SFA or RCA to receive AREN benefits.~~

WSR 00-16-089

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Assistance Programs)

[Filed July 31, 2000, 11:25 a.m., effective August 1, 2000]

Date of Adoption: July 31, 2000.

Purpose: Amend WAC 388-436-0002 to establish new eligibility restrictions for payments through additional requirements for emergent need (AREN).

Citation of Existing Rules Affected by this Order: Amending WAC 388-436-0002 DSHS provides a cash benefit called additional requirements for emergent needs (AREN) to help families pay for short-term expenses caused by an emergency.

Statutory Authority for Adoption: RCW 74.08.090.

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

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(2) Will AREN change the amount of our assistance?

When the department approves AREN benefits, the amount used to figure how much assistance the family can receive is increased for one month. This is called an 'increased payment standard.' The department uses the increased standard to:

- (a) Determine initial eligibility and calculate the payment amount for families who are new applicants; or
- (b) Calculate the monthly payment amount for families already receiving assistance.

(3) What kinds of things are considered AREN emergencies?

(a) The family experienced a disaster such as a theft, house fire, flood, severe weather, accident or medical emergency;

(b) The family has extra short-term expenses caused by homelessness, domestic violence, or situations that jeopardize the family's health and safety;

(c) The family's funds were used to pay for necessary expenses such as:

- (i) Basic health and safety needs for shelter, food and clothing;
- (ii) Medical care;
- (iii) Dental care need to obtain employment or because of pain;

(iv) Emergency child care;

(v) Other reasonable and necessary expenses.

(d) The family's cash grant has been reduced or terminated in anticipation of income that will not be available to pay for the need when the payment is due.

(4) Do I need to provide proof that I have an emergency?

Families must show proof that there is a good reason they do not have sufficient funds to meet their short-term need. The proof must show:

- (a) Why funds are insufficient to pay for the need; and
- (b) The amount of money necessary to meet the need; and
- (c) How the family will pay for the need in the future; and
- (d) The expense is for a need listed in subsection (5) of this rule.

(5) What kind of expenses does the AREN benefit cover?

The department may approve AREN benefits to pay for the following kinds of expenses:

(a) Rent, security deposits, mortgage payments, taxes or fees:

(i) To prevent an eviction or foreclosure from causing the loss of housing that the family will be able to afford in the future;

(ii) To obtain housing subsidies or permanent housing the family will be able to afford in the future when:

(A) Eviction or foreclosure is not preventable;

(B) The family has no housing or has only temporary housing;

(C) The current housing puts the family's health or safety in danger due to a condition the property owner is unable or unwilling to fix.

(D) Moving is necessary to escape a domestic violence situation;

(b) Repairs, deposits, fees and services to assure the household has electricity, water, sewer or fuel for heating and cooking;

(c) Bedding, clothing, cooking utensils, and personal hygiene items when the family has lost these items due to a disaster, domestic violence, or homelessness;

(d) Food when the family has no other way to get food;

(e) Other goods and services necessary to protect the health and safety of the family;

(6) Are there any limits on the amount of AREN benefits I can get?

(a) When AREN benefits are approved, the department pays the least amount necessary to get the family through the emergency. Funds from other sources affect the amount of AREN the department pays. A representative from the department will work with your family to figure out the amount.

(b) There is no limit on how frequently a family may request or receive AREN benefits. The department makes the eligibility decision based on whether or not there is a reasonable cause for the emergent need and the lack of funds available to the family.

(7) How does the department pay the AREN benefit?

(a) The department pays the approved AREN benefit as part of the family's TANF, SFA or RCA cash grant using the income rules found in chapter 388-450 WAC.

(b) When possible, the department pays AREN benefits directly to a third party under the provisions in WAC 388-460-0001.) To receive AREN, you must:

(a) Be eligible for temporary assistance for needy families (TANF), state family assistance (SFA), or refugee cash assistance (RCA);

(b) Have an emergency housing or utility need; and

(c) Have a good reason that you had insufficient funds to pay your housing or utility costs.

(2) To receive AREN, you must be eligible for TANF, SFA, or RCA. This means you must:

(a) Get benefits through TANF, SFA, or RCA. For RCA you must also be pregnant or have an eligible child; or

(b) Apply for TANF, SFA, and RCA, and meet all eligibility criteria including:

(i) The earned income requirement under WAC 388-478-0035;

(ii) The unearned income requirement that your countable unearned income not exceed the grant payment standard;

(iii) The requirement that your countable income as defined under WAC 388-450-0162 must be below the payment standard in WAC 388-478-0020 when you have both earned and unearned income;

(iv) The resource requirements under chapter 388-470 WAC;

(v) The program summary rule requirements for either TANF (WAC 388-400-0005); SFA (WAC 388-400-0010); or RCA (WAC 388-400-0030); and

(vi) The requirement that you are pregnant or have an eligible child.

(c) If you do not get or do not want to go on TANF, SFA or RCA, you cannot get AREN to help with one-time housing or utility costs. We will look to see if you are eligible for diversion cash assistance (DCA) under WAC 388-222-0010.

(3) To receive AREN, you must have an emergency housing or utility need. You may receive AREN to help pay to:

(a) Prevent eviction or foreclosure;

(b) Get housing if you are homeless or need to leave your home because of domestic violence;

(c) Hook up or prevent a shut off of utilities related to your health and safety. We consider the following utilities to be needed for health and safety:

(i) Electricity or fuel for heating, lighting, and cooking;

(ii) Water;

(iii) Sewer; and

(iv) Basic local telephone service if it is necessary for your basic health and safety.

(d) Repair damage or defect to your home when it causes a risk to your health or safety:

(i) If you own the home, we may approve AREN for the least expensive method of ending the risk to your health or safety;

(ii) If you do not own the home, you must ask the landlord in writing to fix the damage according to the Residential Landlord-Tenant Act at chapter 59.18 RCW. If the landlord refuses to fix the damage or defect, we may pay the cost of the repair or the cost to move you to a different place whichever cost is lower.

(e) If you receive TANF or SFA, WorkFirst support services under WAC 388-310-0800 may be used to help you relocate to new housing to get a job, keep a job, or participate in WorkFirst activities. Nonhousing expenses, which are not covered under AREN, may be paid under WorkFirst support services. This includes expenses such as car repair, diapers, or clothing.

(4) To receive AREN, you must have a good reason for having insufficient funds to pay for your housing or utility costs. You must prove that you:

(a) Did not have money available that you normally use to pay your rent and utilities due to an emergency situation such as a long-term illness or injury;

(b) Had to use your money to pay for necessary or emergency expenses. Examples of necessary or emergency expenses include:

(i) Basic health and safety needs for shelter, food and clothing;

(ii) Medical care;

(iii) Dental care needed to get a job or because of pain;

(iv) Emergency child care;

(v) Emergency expenses due to a natural disaster, accident, or injury; and

(vi) Other reasonable and necessary expenses.

(c) Are currently homeless; or

(d) Had your family's cash grant reduced or suspended in anticipation of income that will not be available to pay for the need when the payment is due. You must make attempts to negotiate later payments with your landlord or utility company before receiving AREN.

(e) In addition to the above, you must also explain how you will afford to pay for the on-going need in the future. AREN may be denied if your expenses exceed your income (living beyond your means). We may approve AREN to help you get into housing you can afford.

(5) When you apply for AREN, you must show that there is a good reason you do not have sufficient funds to meet your short-term need. The proof must show:

(a) Why funds are insufficient to pay for the need;

(b) The amount of money necessary to meet the need;

(c) How you will pay for the need in the future; and

(d) The expense is for a need listed in subsection (3) of this rule.

(6) If you meet the above requirements, we use the following to determine how much we pay.

(a) AREN payments may be made up to a maximum of fifteen hundred dollars.

(b) We can make the payment all at once or as separate payments over a thirty-day period. The thirty-day period starts with the date of the first payment.

(c) The amount of AREN is in addition to the amount of your monthly TANF, SFA, or RCA cash grant.

(d) We will confirm with the landlord, utility company or vendor the lowest amount necessary to end your housing or utility emergency. We only consider resources that are immediately available to you. If you have the following resources, we may consider them when we work with you to determine the lowest amount necessary:

(i) We may ask you to arrange a payment plan with your landlord or utility company. This could include us making a partial payment, and you setting up a plan for you to repay the remaining amount you owe over a period of time.

(ii) We may have you use some of the money you have available in cash, checking or savings to help pay for the expense. We will look at the money you have available as well as your bills when we decide how much we will pay.

(iii) We may consider income that is excluded or disregarded for cash assistance benefit calculations, such as SSI, as available to meet your emergency housing need.

(iv) We may consider money voluntarily provided from other individuals such as family or friends. This does not include loans of money that must be repaid to friends of family members.

(v) We may consider money from a nonneedy caretaker relative living in the home.

(vi) We may look at what other community resources you currently have to help you with your need.

(7) You can receive AREN only once in a twelve-month period.

(a) Payment under this program is limited to no more than thirty consecutive days within a period of twelve consecutive months.

(b) The twelve-month period starts from the month you were first issued AREN. It ends on the first day of the twelfth month following the month of issuance. For example, if we issued you AREN on January 15th, you would be eligible on the first of the following January.

(c) This twelve-month period is effective starting with August 1, 2000 AREN issuances.

(8) We pay AREN:

(a) Directly to the landlord, mortgage company, utility, or other vendor whenever we can.

(b) If we cannot pay AREN directly to the landlord or other vendor, we will issue the AREN as a part of your TANF, SFA, or RCA cash grant. If we issue the AREN as a part of your grant, you must use it for your emergency need.

(9) We may assign you a protective payee for your monthly grant under WAC 388-265-1250.

**WSR 00-16-090
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 00-135—Filed July 31, 2000, 2:38 p.m., effective July 31, 2000, 11:59 p.m.]

Date of Adoption: July 31, 2000.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05700F.

Statutory Authority for Adoption: Section 7, chapter 107, Laws of 2000.

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

Reasons for this Finding: This regulation closes John Day Pool sturgeon set line fishery as requested by the Columbia River treaty tribes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 31, 2000, 11:59 p.m.

July 31, 2000

J. P. Koenings

Director

by Larry Peck

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 July 31, 2000:

WAC 220-32-05700F Columbia River sturgeon seasons above Bonneville. (00-88)

**WSR 00-16-124
EMERGENCY RULES
TRANSPORTATION IMPROVEMENT BOARD**

[Filed August 2, 2000, 10:20 a.m.]

Date of Adoption: July 28, 2000.

Purpose: The emergency rules shown below are being revised to update current language and provide needed language to reflect the current procedures of the TIB programs.

Citation of Existing Rules Affected by this Order:
Amending WAC 479-05-190 and 479-14-130.

Statutory Authority for Adoption: Chapter 47.26 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: [No information supplied by agency.]

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: Immediately.

July 31, 2000

Dan Rude

Deputy Director

**Transportation Improvement Board
WAC Rule Changes**

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99, effective 12/24/99)

WAC 479-05-190 Indirect costs. Indirect costs incurred by an agency for common or joint objectives which

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include an authorized board funded project, and which are not included in those direct costs set forth and defined in WAC 479-05-190, shall be eligible for board fund participation on a particular project at the agency's approved rate, to a maximum of 60% if it has been computed based on OMB Circular A-87. If the agency does not have an approved rate, the (a) rate shall not (tø) exceed ten percent of direct labor costs.

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

AMENDATORY SECTION (Amending WSR 99-24-038, filed 11/23/99, effective 12/24/99)

WAC 479-14-130 Apportionment of funds to transportation partnership program regions. Of the funds in the program, forty percent will be allocated to projects on a state-wide basis and then, at least fifteen percent will be allocated to projects in the East region, at least fifteen percent to projects in the West region, and approximately thirty percent to projects in the Puget Sound region.

Regionally significant transportation projects submitted for funding by the TIB and approved by the Legislature are exempt from the regional distribution formula.

WSR 00-15-073
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 19, 2000, 10:28 a.m.]

Shown below is the July through December 2000 rule-making agenda for the Department of Labor and Industries. Additional items may be added to the agenda because of federal rule-making requirements that we must adopt, or because of ongoing rule review under Executive Order 97-02.

You may contact (360) 902-4206 if you have any questions.

The Department of Labor and Industries
Rule Making Agenda for July 1, 2000 - December 31, 2000

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: SPECIALTY COMPLIANCE SERVICES						
Chapter 296-81, 296-82, 296-84, 296-85, 296-87, 296-89, 296-91, 296-93A, 296-94, 296-95, and 296-100 WAC	Elevators, escalators, and other similar conveyances	Rich Atkinson (360) 902-6128 Josh Swanson (360) 902-6411	6/17/98	6/30/00	10/20/00	To repeal and adopt safety rules relating to elevators, escalators, and other similar conveyances into one chapter of the WAC in compliance with Executive Order 97-02 on regulatory improvement. The rules will be rewritten using the clear rule-writing format and will be made easier to find, understand, and use.
Chapter 296-04 WAC	State apprenticeship and training council—Internal rules	Nancy Mason (360) 902-5321 Josh Swanson (360) 902-6411	4/17/98	8/2/00	11/1/00	To repeal and adopt the apprenticeship rules in a clear and usable format with the assistance of an advisory committee, and at the request of the Washington State Apprenticeship and Training Council. The adopted rules will also address changes identified by the Federal Department of Labor.
WAC 296-127-013	Prevailing wage—Scope of work definitions	Greg Mowat (360) 902-5530 Josh Swanson (360) 902-6411	3/21/00	5/23/00	7/19/00	The purpose of this rule making is to convert the prevailing wage scope of work policies into WAC 296-127-01301 through 296-127-01391 and to amend WAC 296-127-013 to reflect the addition of the new rules. Emergency rules covering this title are currently in effect. This rule making also complies with Executive Order 97-02 on regulatory improvement by converting these policies into rule.

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, and 296-150V WAC	Factory assembled structures	Dan Wolfenbarger (360) 902-5225 Josh Swanson (360) 902-6411	3/1/00	6/21/00	8/22/00	The purpose of this rule making is to: <ul style="list-style-type: none"> • Make clarifying and housekeeping changes, • Update a reference to, and incorporate requirements from, the Uniform Building Code, • Make amendments that were identified in the department's August 1997 rule review plan, and • Incorporate policy into rule as directed by Executive Order 97-02 on regulatory improvement.
WAC 296-127-018	Prevailing wage—Coverage and exemptions of workers involved in the production and delivery of gravel, concrete, asphalt, or similar materials	Greg Mowat (360) 902-5530 Josh Swanson (360) 902-6411	7/5/00	8/23/00	11/17/00	The purpose of this rule making is to repeal WAC 296-127-018 of the prevailing wage rules (chapter 296-127 WAC) in order to eliminate the confusion between this section and the department's authority to administer and enforce the prevailing wage law for all work where a public expense is incurred.
Chapter 296-46, 296-401A, and 296-403 WAC	Installing electric wires and equipment (telecommunications)—Safety standards; journeyman electricians—Certification of competency; and amusement rides or structures	Ron Fuller (360) 902-5249 Josh Swanson (360) 902-6411	5/3/00	8/2/00	11/1/00	The purpose of this rule making is to: <ul style="list-style-type: none"> • Establish a new regulatory framework for telecommunications as a result of 2SSB 5802 that passed the legislature in its 1999 session (chapter 238, Laws of 2000). • Permanently adopt the HVAC/refrigeration emergency rule of March 1, 2000. • Apply clear rule-writing principles to the rules. • Make clarifying and housekeeping changes. • Review current policies on low voltage exemptions, automatic door openers, traffic signal and roadway illumination

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
						interpretations of electrical specialties. The conversion of these policies to rule complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-104 WAC	Board of boiler rules	Dick Barkdoll (360) 902-5270 Josh Swanson (360) 902-6411	4/20/00	8/2/00	10/1/00	The purpose of these rule changes is to make them consistent with nationally recognized standards/codes and public safety standards/codes. This rule making is being done in response to direction from the board of boilers and at the request of the boiler industry.
DIVISION: INDUSTRIAL INSURANCE (Workers' compensation and crime victims)						
Chapter 296-31 WAC	Crime Victims' Compensation Program—Mental health treatment—Independent mental health evaluations	Valerie Estes (360) 902-5369	8/2/00	9/20/00	11/30/00	The Crime Victims' Compensation Program will propose a rule so that it could use criteria different from those used for medical evaluations (WAC 296-23-265) in determining who can perform independent mental health evaluations under the crime victims program.
WAC 296-17-850 through 296-17-930	Classifications and rating system—General reporting	Ken Woehl (360) 902-4748	5/23/00	9/20/00	11/21/00	To amend the rules and rating tables to adjust industrial insurance rates for each risk classification based on current loss data for each classification.
New chapter 296-23B WAC	Ambulatory surgery centers	Marilyn Gisser (306) 902-6801	7/5/00	10/4/00	12/29/00	To adopt a method for paying ambulatory surgery centers for services provided to injured workers, and possibly crime victims.
WAC 296-20-091	Home nursing or attendant care—Medical aid rules	James Dick (360) 902-5131	8/2/00	10/4/00	12/4/00	To amend and make new rules regarding nonagency attendant care providers.
WAC 296-20-135, 296-23-220, and 296-23-230	Specialty providers—Medical aid rules	Tom Davis (360) 902-6687	12/24/00	2/16/01	4/18/01	To update WAC 296-20-135 with a new resource based relative value scale (RBRVS) and anesthesia conversion factors and update maximum daily reimbursement level for physical therapy/occupational therapy (PT/OT) services in WAC 296-23-220 and 296-23-230.

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
WAC 296-23A-0500	Hospitals	Marilyn Gisser (360) 902-6801	12/24/00	2/16/01	4/18/01	To amend these rules to reflect a change in UB-92 billing forms (house-keeping).
WAC 296-20-01501	Medical aid rules	Tom Davis (360) 902-6687	12/24/00	2/16/01	4/18/01	To amend these rules to reflect changes in physician assistant reimbursement policies (house-keeping).
WAC 296-17-90492	Table 1 -Standard premium size range	Frank Romero (360) 902-4835	5/24/00	9/20/00	11/21/00	To update the premium ranges used in the retrospective rating program so that they reflect 2001 rate realignments.
WAC 296-17-90493 through 296-17-90497	Retrospective rating plans A, A1, A2, A3, and B	Frank Romero (360) 902-4835	5/24/00	9/20/00	11/21/00	To change the effective date from January 1, 2000, to January 1, 2001.
(No citation)	Medical coverage policy review	Jami Lifka (360) 902-4941	Review completed by 12/31/00			In accordance with Executive Order 97-02, medical coverage policies will be reviewed to see if they should be in rule.
Chapter 296-20 WAC	Medical aid rules	Jami Lifka (360) 902-4941	Not applicable	CR-102XA 10/12/00	12/29/00	The department may change the title of this chapter through the expedited rule adoption process in order that the title may reflect the actual subjects covered in the rule.
Chapter 296-20 WAC	Medical aid rules	Jami Lifka (360) 902-4941	10/1/00	To be determined	To be determined	The department may update sections of this chapter to be consistent with current standards of care and department practices. This might include: <ul style="list-style-type: none"> Updating sections that clarify which services are covered and which services require prior authorization, and Adding a section describing categories of permanent impairment for tinnitus. These changes may impact injured workers and crime victims.
WAC 296-20-01002	Medical aid rules—Definitions	Jami Lifka (360) 902-4941	10/1/00			In compliance with Executive Order 97-02, the department may review and rewrite, as necessary, the definitions in the medical aid rules. These changes may impact injured workers and crime victims.
WISHA SERVICES DIVISION						

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-24 WAC	Diptanks—General safety and health standards	Jim Hughes (360) 902-4504 Christine Swanson (360) 902-5484	4/26/00	9/19/00	1/10/01	To adopt new federal Occupational Safety and Health Administration (OSHA) requirements relating to diptanks.
Chapter 296-62 WAC	General occupational health standards					
Chapter 296-24 WAC	Machine guarding—General safety and health standards	Linda Dausener (360) 902-5516 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To revise and adopt requirements relating to machine guarding. This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-24 WAC	Anhydrous ammonia—General safety and health standards	Jennie Hays (360) 902-5523 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To review the storage and handling of the anhydrous ammonia requirements to identify issues relating to outdated technology, manufacturing requirements and to identify conflicts with the federal Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health's (NIOSH) requirements.
Chapter 296-24 WAC	Electrical-General safety and health standards	George Huffman (360) 902-5008 Christine Swanson (360) 902-5484	6/7/01	03/01/01	06/01/01	To review outdated rule requirements in Part L, Electrical, and Part I, Welding, Cutting and Brazing. This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-155 WAC	Safety standards for construction work					
Chapter 296-24 WAC	Ladders—General safety and health standards	Jennie Hays (360) 902-5523 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To review for possible updates concerning the requirements for the construction of wood ladders. This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-24 WAC	Safety color coding—General safety and health standards	Cindy Ireland (360) 902-5522 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To review safety color-coding for marking physical hazard requirements to identify issues related to outdated technology. This rule making complies with Executive Order 97-02 on regulatory improvement.

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-28 WAC	Railroads—Clearance rules—Railroads in private yards and plants	George Huffman (360) 902-5008 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To review requirements for possible amendments. This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-32 WAC	Telecommunications—Safety standards for telecommunications	Jennie Hays (360) 902-5523 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To revise and adopt the telecommunication requirements with the assistance of the Telecommunications Safety Advisory Committee.
Chapter 296-32 WAC Chapter 296-45 WAC Chapter 296-155 WAC	Flaggers Safety standards for telecommunications Safety standards for electrical workers Safety standards for construction work	George Huffman (360) 902-5008 Christine Swanson (360) 902-5484	7/5/00	10/18/00	1/26/01	To revise and adopt rules relating to flagger safety requirements in accordance with chapter 239, Laws of 2000 (ESHB 2647).
Chapter 296-52 WAC	Explosives—Safety standards for the possession and handling of explosives	Linda Dausener (360) 902-5516 Christine Swanson (360) 902-5484	10/19/99	To be determined	To be determined	To review for possible updates to the blasting requirements with the assistance of an advisory committee.
Chapter 296-56 WAC	Longshore—Safety standards for longshore, stevedore and related waterfront operations	Cindy Ireland (360) 902-5522 Christine Swanson (360) 902-5484		7/18/00 (CR-102XA Expedited Adoption)	10/17/00	To review the longshore requirements so as to make them at least as effective as OSHAs.
Chapter 296-62 WAC	Cholinesterase monitoring—General occupational health standards	Ken Lewis (360) 902-4568 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	Cholinesterase monitoring requirements will be reviewed to determine if blood testing after pesticide exposure should be mandatory. This rule making is in the spirit of the Governor's Executive Order 97-02 on regulatory improvement.
Chapter 296-62 WAC	Respiratory protection—General occupational health standards	Ken Lewis (360) 902-4568 Christine Swanson (360) 902-5484	6/7/00	8/22/00	11/21/00	To review requirements for possible amendments.
Chapter 296-62 WAC	Hazardous waste—General occupational health standards	Michael McCauley (360) 902-5779 Christine Swanson (360) 902-5484	4/26/00	To be determined	To be determined	To review for possible updates to Parts P and R for requirements relating to hazardous waste operations and environmental controls. This rule making complies in the spirit of the Governor's Executive Order 97-02 on regulatory improvement.
Chapter 296-115 WAC	Charter boats—Safety requirements for charter boats	Michael McCauley (360) 902-5779 Christine Swanson (360) 902-5484		6/7/00 (CR-102XA Expedited Adoption)	9/19/00	To revise and adopt rules relating to charter boats in accordance with chapter 111, Laws of 1999 (HB 1996).

MISC.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-155 WAC	Concrete pumps— Safety standards for construction work	Ken Lewis (360) 902-4568 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To revise and adopt concrete pumper requirements with the assistance of the construction advisory committee.
Chapter 296-155 WAC	Attached personnel platforms—Safety standards for construction work	Jim Hughes (360) 902-4504 Christine Swanson (360) 902-5484	12/21/99	2/29/00	7/12/00	To revise and adopt attached personnel platform requirements with the assistance of the construction advisory committee.
Chapter 296-155 WAC	Fall protection— Safety standards for construction work	Cindy Ireland (360) 902-5522 Christine Swanson (360) 902-5484	N/A	4/4/00	7/3/00	To revise and adopt fall protection requirements so as to be as effective as the federal Occupational Safety and Health Administration's final rule.
Chapter 296-155 WAC	Salamanders— Safety standards for construction work	Michael McCauley (360) 902-5779 Christine Swanson (360) 902-5484	2/15/00	To be determined	To be determined	We plan to review Part D for possible updates concerning the use of the term "Salamanders." This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-155 WAC	Occupational health and environmental controls—Safety standards for construction work	Ken Lewis (360) 902-4568 Christine Swanson (360) 902-5484	6/20/00	10/17/00	1/1/01	To review requirements for possible amendments. This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-304 WAC	Shipbuilding— Safety standards for ship repairing, shipbuilding and ship-breaking	Jim Hughes (360) 902-4504 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To revise and adopt requirements relating to shipbuilding. This rule making complies with Executive Order 97-02 on regulatory improvement.
Chapter 296-307 WAC	Agriculture— Safety standards for agriculture	Ken Lewis (360) 902-4568 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To review requirements so that they are at least as effective as OSHAs.
New chapter 296-800 WAC	Innovations	Cindy Ireland (360) 902-5522 Christine Swanson (360) 902-5484	11/30/99	9/19/00	2/1/01	To adopt a user-friendly book of core requirements in accordance with chapter 360, Laws of 1999 (ESHB 5180).
Chapter 296-24 WAC	Miscellaneous changes—General safety and health standards	Linda Dausener (360) 902-5516 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To adopt federal Occupational Safety and Health Administration (OSHA) miscellaneous requirements so as to be at least as effective as the federal final requirements.
Chapter 296-32 WAC	Safety standards for telecommunications					
Chapter 296-36 WAC	Safety standards— Compressed air work					

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WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-37 WAC Chapter 296-45 WAC Chapter 296-54 WAC Chapter 296-56 WAC	Safety standards for commercial diving operations Safety standards for electrical workers Safety standards— Logging operations Safety standards for longshore, stevedore and related waterfront operations					
Chapter 296-62 WAC Chapter 296-67 WAC Chapter 296-78 WAC Chapter 296-79 WAC Chapter 296-99 WAC Chapter 296-155 WAC	General occupational health standards Safety standards for process safety management of highly hazardous chemicals Safety standards for sawmills and wood-working operations Safety standards for pulp, paper, and paperboard mills and converters Safety standards for grain handling facilities Safety standards for construction work	Linda Dausener (360) 902-5516 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To adopt federal Occupational Safety and Health Administration (OSHA) miscellaneous requirements so as to be at least as effective as the federal final requirements.
Chapter 296-304 WAC Chapter 296-307 WAC	Safety standards for ship repairing, shipbuilding and ship-breaking Safety standards for agriculture	Linda Dausener (360) 902-5516 Christine Swanson (360) 902-5484	To be determined	To be determined	To be determined	To adopt federal Occupational Safety and Health Administration (OSHA) miscellaneous requirements so as to be at least as effective as the federal final requirements.

Selwyn S.C. Walters
Rules Coordinator

WSR 00-16-006
RULES COORDINATOR
DEPARTMENT OF PERSONNEL
(Personnel Resources Board)
[Filed July 20, 2000, 10:15 a.m.]

Resources Board and the director of the Department of Personnel.

If you have any questions regarding this matter, please contact Sharon Whitehead of the Department of Personnel. Sharon can be reached at (360) 664-6348.

Dennis Karras
Director

Donna Parker, Department of Personnel, Office of Client Relations, P.O. Box 47500, Olympia, WA 98504-7500, (360) 664-6347, is designated as rules coordinator for the Personnel

MISC.

WSR 00-16-007
NOTICE OF PUBLIC MEETINGS
UTILITIES AND TRANSPORTATION
COMMISSION

[Memorandum—July 18, 2000]

PUBLIC MEETING
CANCELLATION NOTICE

Due to schedule conflicts, the Washington Utilities and Transportation Commission has decided to **cancel** its regular meeting on **Wednesday, August 23, 2000.**

The next regularly scheduled meeting will be **Wednesday, August 30, 2000, beginning at 9:30 a.m.**

WSR 00-16-008
AGENDA
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed July 20, 2000, 1:23 p.m.]

Department of Financial Institutions
Semi-Annual Agenda for Rules Under Development
July 1, 2000 - December 31, 2000

DIVISION OF BANKS

1. Housekeeping changes to Titles 50 and 419 WAC and recodifying them as chapters of Title 208 WAC. CR-102XAs were filed on June 21, 2000, and July 3, 2000, and the changes are expected to be adopted on August 22, 2000, and September 6, 2000. 2. A CR-101 was filed to amend chapter 50-12 WAC (will be recodified as chapter 208-512 WAC, effective August 22, 2000) governing lending limits to eliminate renewals from the definition of "loans and extensions of credit" and liberalizing the provisions concerning WAC 50-12-290 (8)(h).

DIVISION OF CONSUMER SERVICES

1. Amendments to chapter 208-660 WAC implementing the Mortgage Broker Practices Act. These amendments will make the language in the rules and statute consistent, provide guidance to licensees on trust accounting issues, clarify disclosure requirements and fees, and allow for continuing education through the Washington Association of Mortgage Brokers.

2. Amendments to chapter 208-680 WAC implementing the Escrow Agent Registration Act. These amendments implement amendments to the statute made during the 1999 legislative session.

DIVISION OF CREDIT UNIONS

1. Review chapter 208-436 WAC, rules governing supervisory approval of credit union investment practices, for possible revision or repeal.

2. Amendments to WAC 208-440-010 regarding credit union financial interest in commercial enterprise.

3. Repeal WAC 208-440-020, 208-440-040, and 208-440-050 regarding credit union participation in commercial business activities.

4. Review for possible revision miscellaneous credit union rules in chapter 208-444 WAC regarding audits, prohibited fees, nonpreferential loans, and definitions.

5. Adopt new rules regarding member business loans for credit unions.

DIVISION OF SECURITIES

1. Possible amendments to various sections of chapter 460-33A WAC, Mortgage paper securities, as part of a general update. 2. Propose amendments to chapter 460-24A WAC, Investment advisers, to mandate electronic filing by investment advisers. New sections may be added also.

3. Amendments may be proposed to WAC 460-16A-205 NASAA policy statements, to reflect updates made to various NASAA policy statements.

4. Amendments may be proposed to WAC 460-21B-050 Broker-dealer practices, books and records, to reflect changes in the SEC books and records requirements.

WSR 00-16-010
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—July 21, 2000]

NOTICE OF SPECIAL MEETING

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

2405 East College Way
 Mount Vernon, WA 98273
 Monday, July 24, 2000
 Best Western Cottontree Inn
 2300 Market Street
 Mount Vernon, WA 98273

Chairperson, Dr. Barbara Andersen, has called a special meeting of the board of trustees for Monday, July 24, 2000, 2:00 p.m. This meeting is being held as a work session, for the board of trustees. Business to be transacted will address board policies and governance. The board of trustees will adjourn to executive session regarding personnel after the open portion of the meeting. Action items, if any, made necessary by the forgoing discussion.

WSR 00-16-011
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—July 17, 2000]

At the July 10, 2000, board of trustees meeting, the following schedule was approved by the trustees for their September-December 2000 meeting dates. All meetings will be held on the Mount Vernon campus and will begin at 5:30 p.m.

MISC.

September-December 2000 Board Meeting Dates	Location
Monday, September 11	MV Board Room
Monday, October 9	MV Board Room
Monday, November 13	MV Board Room
Monday, December 11	MV Board Room

brief explanation of the reason for cancellation. This advisory is the second supplement to ETA 2003.

Requests for copies of this advisory may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4281, fax (360) 664-0693.

Claire Hesselholt
Policy Counsel

WSR 00-16-012
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
(Participant Outcomes Data Consortium)
[Memorandum—July 20, 2000]

Following are the details for an upcoming Participant Outcomes Data Consortium (PODC) meeting. The PODC is composed of representatives from the State Board for Community and Technical Colleges, Office of Superintendent of Public Instruction, Workforce Training and Education Coordinating Board, Employment Security, and Eastern Washington University: August 9, 2000, 10 a.m. to 12 noon, at Workforce Training and Education Coordinating Board, 128 10th Street S.W., 6th Floor, Olympia, Main Conference Room. Agenda: Annual meeting to elect chair and vice-chair.

WSR 00-16-013
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed July 21, 2000, 2:26 p.m.]

ADOPTION OF INTERPRETIVE STATEMENT

Excise Tax Advisory 2003-1s—Excise tax advisories canceled 6/17/00
(First supplement to ETA 2003)

Excise Tax Advisory 2003-2s—Excise tax advisories canceled 6/30/00
(Second supplement to ETA 2003)

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted the following excise tax advisories:

Excise Tax Advisory 2003-1s (Excise tax advisories canceled 6/17/00). This advisory provides a list of excise tax advisories that were canceled on June 17, 2000, along with a brief explanation of the reason for cancellation. This advisory is the first supplement to ETA 2003.

Excise Tax Advisory 2003-2s (Excise tax bulletins canceled 6/30/00). This advisory provides a list of excise tax advisories that were canceled on June 30, 2000, along with a

WSR 00-16-017
DEPARTMENT OF ECOLOGY
[Filed July 21, 2000, 3:32 p.m.]

PUBLIC PARTICIPATION GRANTS (PPG)
GUIDELINES AND APPLICATION PERIOD

About the Guidelines: The guidelines were written for citizen groups and not-for-profit public interest organizations. It applies to projects that will start in 2001.

These guidelines will help groups plan and refine their projects. Officially, these guidelines define the public participation grants program called for in the Model Toxics Control Act RCW 70.105D.070(5). They also explain the criteria ecology uses to evaluate and award public participation grants, and cover how to complete the application.

Goals of 2001 PPG Program: Ecology wants to improve the quality of the public's participation and influence in decisions on how contaminated sites should be cleaned up and restored. Ecology also wants to increase the environmental benefits of education projects, in particular, projects that get people to generate less waste (source reduction) and projects that show people ways to prevent pollution.

How to Obtain the PPG Guidelines: To receive a copy of the guidelines call 1-800-RECYCLE. You will need to provide your name, address and group affiliation, if you have/there is one. After reading the guidelines, you may have questions about your project, so call 1-800-RECYCLE and a grants staff person will respond to your request.

Application Period Opens September 1, 2000: Starting Friday, September 1, the Washington Department of Ecology will accept applications for public participation grants. The application period closes Tuesday, October 31, 2000. Groups of three or more unrelated individuals and not-for-profit, public interest organizations can qualify for a grant ranging from \$1,000 to \$60,000. Businesses and government departments, including universities, do not qualify.

Grants Pay for Public Involvement: The grants make it easier for people to be involved in two types of waste issues:

- The cleanup of hazardous waste sites.
- Carrying out the state's solid and hazardous waste management priorities. The highest priority is reducing the amount of waste created.

Ecology's highest interest is in projects that prevent pollution and produce measurable benefits to the environment.

Not-for-profit groups are encouraged to apply. These include environmental coalitions, community clubs, neigh-

neighborhood associations, environmental education groups, business and trade associations, labor or worker health/safety organizations, groups who live in the path of potential contamination from hazardous waste cleanup sites, ethnic or minority societies, outdoor enthusiasts, professional or fraternal societies, and service clubs.

How to Apply: If your group has a project that might be eligible, request an application packet from Department of Ecology, Solid Waste and Financial Assistance, P.O. Box 47600, Olympia, WA 98504-7600, phone 1-800-RECYCLE.

Your Application must be at Ecology by 5 p.m. Tuesday, October 31, 2000: Applications must be received by close of business Tuesday, October 31, 2000. This means your application must be received in the Solid Waste and Financial Assistance Office in the Department of Ecology headquarters building by 5 p.m. The headquarters building is at 300 Desmond Drive in Lacey. Postmarks do not qualify. For directions to the building, visit ecology's directory on the Internet at www.wa.gov/ecology or call (360) 407-6900.

WSR 00-16-018
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 21, 2000, 3:33 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.
Subject: Federally qualified health centers (FQHCs).
Effective Date: August 2000.
Document Description: These are billing instructions for FQHC providers to use when billing medical assistance eligible clients. Included in this document is definitions, encounter rate information, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 586-2337, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

July 17, 2000
Leslie Saeger, Manager
Regulatory Improvement Project

WSR 00-16-019
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 21, 2000, 3:34 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.
Subject: Ground/air ambulance medical transportation.

Effective Date: July 2000.

Document Description: These are billing instructions for ground/air ambulance providers to use when billing medical assistance eligible clients. Included in this document is definitions, update fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

July 17, 2000
Leslie Saeger, Manager
Regulatory Improvement Project

WSR 00-16-020
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 21, 2000, 3:37 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.
Subject: Ambulatory surgery centers.
Effective Date: July 2000.

Document Description: These are billing instructions for ambulatory surgery centers to use when billing medical assistance eligible clients. Included in this document is definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto: MYERSEA@dshs.wa.gov.

July 17, 2000
Leslie Saeger, Manager
Regulatory Improvement Project

WSR 00-16-021
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 21, 2000, 3:38 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.
Subject: Non-DME and equipment and medical supplies.
Effective Date: July 2000.

MISC.

Document Description: These are billing instructions for durable medical equipment providers to use when billing medical assistance eligible clients. Included in this document is definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto:MYERSEA@dshs.wa.gov.

July 17, 2000
Leslie Saeger, Manager
Regulatory Improvement Project

WSR 00-16-022
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 21, 2000, 3:39 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Billing Instructions.

Subject: Chiropractic services.

Effective Date: June 2000.

Document Description: These are billing instructions for chiropractic providers to use when billing medical assistance eligible clients. Included in this document is definitions, updated fee schedule, general program policies, and claim form instructions.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1345, TDD 1-800-848-5429, fax (360) 753-7315, e-mail mailto:MYERSEA@dshs.wa.gov.

July 17, 2000
Leslie Saeger, Manager
Regulatory Improvement Project

WSR 00-16-029
OFFICE OF THE GOVERNOR

[Filed July 24, 2000, 2:28 p.m.]

July 21, 2000

VIA FIRST CLASS MAIL

Peter Goldman

Washington Forest Law Center
615 Second Avenue, Suite 360
Seattle, Washington 98104-2245

Re: Appeal of the May 10, 2000 denial by the Forest Practices Board (the "Board") of that certain Petition

for Adoption of Forest Practices Rules Regarding Recreation and Aesthetics, dated August 18, 1999, filed by Washington Forest Law Center on behalf of its clients The Mountaineers and Alpine Lakes Protection Society (the "Petition")

Dear Mr. Goldman:

Pursuant to RCW 34.05.330(3), I have fully reviewed your appeal of the Petition and the relevant statutes and regulations. As you know, because the Forest Practices Board is not under the jurisdiction of the governor, my authority under RCW 34.05.330 is limited to making nonbinding recommendations to the Board.

Washington's forests are a tremendous asset to our people in many ways. Our forests and natural resources define Washington, and are a large part of what makes our state a desirable place to live. Beyond the traditional benefits of logging, our forests provide far-reaching economic benefits - directly and indirectly. The natural beauty and recreational opportunities of this state provide a way of life that helps to attract tourism and other non-forest products industries to our beautiful and natural state. The products of our forests also provide substantial revenue for the common schools and support vital industry and thousands of jobs.

Your appeal raises a legal question of whether the making of forest practices rules regarding protection of recreation and aesthetics is discretionary or mandatory for the Board. Good arguments exist on both sides of that question. However, there appears to be no dispute that the Board has at least discretionary authority to make such rules, and declined to do so. Accordingly, the question does not need to be answered to address your appeal, and is better left to the courts to answer.

It is my policy to intervene in matters presented to me under RCW 34.05.330(3) only when I believe the administrative body whose decision is at issue has abused its discretion or acted arbitrarily or capriciously. It is also my policy not to second-guess the thoughtful and deliberate decisions of a state agency or board, so long as those decisions are well founded and proper under the law. The Board had a good-faith basis for determining that its authority to make rules regarding recreation and aesthetics is discretionary, not mandatory. Once that determination was made, the Board also had a good-faith basis for its decision to deny the Petition based on its belief that existing rules, in conjunction with voluntary efforts of landowners, are sufficient for the immediate future, and that the Board's current workload would not permit it to immediately engage in that rulemaking.

After investigating the Board's decision to deny the Petition, I learned that substantial public discussions were devoted to finding ways to enhance the voluntary efforts of landowners. Specifically, I understand that the industry expressed willingness to work with advocacy groups to identify several of the most critical trails of statewide significance (i.e., those in which significant public investment has been made) and look at ways to protect the public investment. There were also dis-

cussions about training foresters in ways to preserve the recreational and aesthetic aspects of the forests they manage.

As with so many issues where stakeholders on each side of the controversy have strongly held beliefs and business concerns, the solution to this issue should lie in a compromise. The Board has promised to look further into this matter at its annual work plan meeting in the early fall. I believe that it would be in your and your clients' best interests to continue working with the Board and other stakeholders to reach an agreement to make a limited rule, or a voluntary arrangement, that will protect the maximum amount of forest as quickly as possible.

As you know, the Board has expressed concerns about its ability to make and administer such rules if they are made, due to financial constraints. I know that your clients and others have done a tremendous amount of mapping and other work to help the Department of Natural Resources implement recreational and aesthetic regulations, and that computer technology exists to dramatically speed review. I am certain that if all parties will set aside their differences, and work cooperatively, a reasonable arrangement can be reached to protect the most critical areas until the Board is able to make rules dealing with aesthetics and recreation.

I do, however, think that it would be practical for the Board to make rules that require reasonable notice to local media outlets, advocacy groups, and nearby landowners, who have registered with the Board, that a forest practices permit to harvest timber on a particular parcel has been applied for. Accordingly, I make that recommendation to the Board.

Thank you for your extensive efforts and profound commitment to the protection of the forests in our state.

Sincerely,

Gary Locke
Governor

cc: Dennis W. Cooper, Code Reviser
Tim Martin, Co-Chief Clerk, House of Representatives
Cindy Zehnder, Co-Chief Clerk, House of Representatives
Tony Cook, Secretary of the Senate
Jennifer Belcher, Commissioner of Public Lands

WSR 00-16-035
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
[Memorandum—July 21, 2000]

This memo will revise the 2000 Commission on Judicial Conduct meeting schedule submitted to your office by memo dated November 29, 1999.

The meeting scheduled for **September 14 - 15, 2000, at Cavanaugh's River Inn in Spokane, Washington is CANCELED.**

A regular commission meeting is scheduled for **11:00 a.m., October 6, 2000, at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188.**

WSR 00-16-036
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
HISTORICAL SOCIETY
[Memorandum—July 21, 2000]

The Washington State Historical Society board of trustees revised the meeting schedule that was provided to you in December of 1999. The meeting that was to be held on August 18, 2000, in Long Beach has been moved to September 22, 2000, in Long Beach.

The revised schedule is as follows:

September 22, 2000	Long Beach
March 9, 2001	Seattle
June 2, 2001	Tacoma
September 14, 2001	Dayton

If you need additional information, please call (253) 798-5901 or e-mail at mdelong@wshs.wa.gov.

WSR 00-16-037
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed July 25, 2000, 3:55 p.m.]

TECHNICAL ASSISTANCE ADVISORY
T 2000-04

TO: All Health Carriers
SUBJECT: Minimum Benefit for Chemical Dependency
DATE: July 25, 2000

WAC 284-53-010 prescribes standards for coverage of chemical dependency in any policy issued or renewed on or after January 1, 2000. Under subsection (4) of this regulation, the initial minimum benefit is \$10,000. This amount must be adjusted for whenever a new or revised form is filed with the commissioner. The commissioner's position is that the adjustment should be made annually; the new minimum benefit amount would then apply to all new or revised contracts effective in the following calendar year.

The purpose of this technical assistance advisory is to: (1) Advise you how to calculate the inflation adjustment each year; and (2) provide a sample calculation of the adjustment applicable to new or revised contracts with effective dates from January 1, 2001, through December 31, 2001.

To ensure that you have enough lead time to develop and file your contracts, the adjustment will use consumer price index (CPI) data through June. This information is generally available on the Bureau of Labor Statistics (BLS) website (<http://www.bls.gov/cpihome.htm>) in mid-July. The CPI for June 1999 will be used as the base. **To calculate the adjust-**

MISC.

ment factor for any coming year, simply divide the CPI for June of the current year by the CPI for June 1999. The minimum benefit is then \$10,000 times the adjustment factor.

The specific CPI series to be used is the medical care CPI, not seasonally adjusted, for all urban consumers in the Seattle-Tacoma-Bremerton area. The series ID is CUURA423SAM. The data can be obtained easily using the selective access option in the BLS website.

For new and revised contracts effective in 2001 the inflation adjustment is calculated as follows:

CPI for June 1999 = 239.6
 CPI for June 2000 = 247.4
 Adjustment factor = 247.4/239.6 = 1.0326

The minimum chemical dependency benefit in new and revised contracts effective in 2001 must be at least \$10,000 x 1.0326, or **\$10,326**.

For the future you should plan on calculating the adjustment on your own by the method outlined above. Always divide the CPI for June of the current year by the CPI for June 1999. We do not plan to issue a technical assistance advisory on this subject annually.

If you have any questions about this technical assistance advisory, please contact our lead health actuary, Lichiou Lee, at LichiouL@oic.wa.gov or (360) 586-5313.

WSR 00-16-057
AGENDA
DEPARTMENT OF ECOLOGY

[Filed July 26, 2000, 4:21 p.m.]

Department of Ecology
 Semi-Annual
 Rule Agenda
 July-December, 2000

WAC Chapter	Chapter Title	Contact Person	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Scope of Changes / Sections to Amend
Air Quality						
173-406 AO 99-09, 1/98	Acid rain regulation.	Peter Lyon (360) 407-7530 plyo461@ecy.wa.gov	Jun 99	Aug 00	Dec 00	Revisions to conform to EPA requirements.
173-400, 173-405, 173-410, 173-433, 173-434 AO 99-07, 7/96	Emissions standards for solid waste incinerators; general regulation for air pollution sources; kraft pulping mills; sulfite pulping mills; solid fuel burning device standards.	Peter Lyon (360) 407-7530 plyo461@ecy.wa.gov and Tom Todd (360) 407-7528 ttod461@ecy.wa.gov	Mar 99	Oct 00	Jun 01	Hog fuel boiler RACT; define terms related to wood derived fuels; reorganize state incinerator rule.
173-400 AO 99-06, 7/98	General regulation for air pollution sources.	Elena Guilfoil (360) 407-6855 egui461@ecy.wa.gov	Apr 99	Sept 00	Mar 01	This action focuses on two air quality programs located in chapter 173-400 WAC; the prevention of significant deterioration or psd program which addresses major new air pollution sources; best available retrofit technology provisions.
173-xxx (new ch.), or 173-460, 173-400 AO 99-02, 1/98	Controls for new sources of toxic air pollution, general regulation for air pollution sources.	Steve Cross (360) 407-6875 stcr461@ecy.wa.gov	Aug 99	Nov 00	Feb 01	Incorporate de minimus levels; Tier 2 light; consolidate NSR processes from chapters 173-400 and 173-460 WAC.
173-415, 173-481 AO 98-09, 7/96	Primary aluminum plants, ambient fluoride standard.	Tom Todd (360) 407-7528 ttod461@ecy.wa.gov	Apr 99	?	?	Determine if MACT equates to RACT; address fluoride monitoring requirement.

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WAC Chapter	Chapter Title	Contact Person	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Scope of Changes / Sections to Amend
173-400 AO 98-27, 7/98	General regulation for air pollution sources.	Tom Todd (360) 407-7528 ttod461@ecy.wa.gov	Feb 99	Jul 00	Sept 00	Update NESHAP and NSPS delegations; (including medical waste combustors) revise definition of VOCs.
173-422 AO ?, 7/00	Motor vehicle emission inspection.	John Raymond (360) 407-6856 jray461@ecy.wa.gov	Jan 01	Mar 01	Jul 01	Amend WAC 173-422-060 Gasoline emission standards and WAC 173-422-065 Diesel.
173-422 AO 00-15, 7/00	Motor vehicle emission inspection.	John Raymond (360) 407-6856 jray461@ecy.wa.gov.	N/A	Jul 00	Oct 00	Comply w/provisions of RCW 46.16.01.15J [46.16.015(j)].
Hazardous Waste and Toxic Reduction						
Shorelands and Environmental Assistance						
173-16, 173-26 AO 95-17a, 7/97	State master program approval/ amendment procedures (chapter 173-26 WAC) Shoreline Management Act guidelines for development of master programs.	Peter Skowlund (360) 407-6522 psko461@ecy.wa.gov	Nov 99	May 00	Aug 00	Update and replace chapter 173-16 WAC, Shoreline Management Act guidelines for development of master programs; implement regulatory reform measures integrating shorelines, growth management and related statutes; create minimum requirements for local shoreline master programs which regulate shoreline development; protect and restore fish and wildlife habitat, including salmon, within shorelines of the state.
173-700 AO 98-26, 1/99	Compensatory wetland mitigation banks.	Lauren Driscoll (360) 407-6861 ldri461@ecy.wa.gov	Jan 99	Sept 00	Jan 01	Develop procedures for the operation, monitoring and implementation of wetland banks.
173-158, 7/99	Floodplain management.	Ted Olson (509) 456-2862 tols461@ecy.wa.gov	Jul 00	Oct 00	Mar 01	Amend WAC to implement ESHB1963 which allows reconstruction in floodways under certain circumstances.
197-11 AO 95-16, 7/97	SEPA rules.	Barbara Ritchie (360) 407-6922 brit[461]@ecy.wa.gov	Dec 95	Jan 01	Apr 01	Revise environmental checklist (project).
197-11 AO 00-05, 7/00	SEPA rules.	Marv Vialle (360) 407-6928 mvia461@ecy.wa.gov	Mar 00	?	?	Revise environmental checklist (non-project).
197-11 AO 97-02, 7/97	SEPA rules.	Brenden McFarland (360) 407-6495 bmcf461@ecy.wa.gov	Jan 97	Jan 01	Mar 01	Revise categorical exemptions allowed under the State Environmental Policy Act.
Solid Waste and Financial Assistance						
173-304 AO 99-24, 7/97	Minimum functional standards for solid waste handling.	Brian Farmer (509) 456-6386 bfar461@ecy.wa.gov	Nov 99	Oct 00	Apr 01	Update approaches to nonmunicipal solid waste management. Respond to state legislation aimed at removing impediments to recycling.
Spill Prevention, Preparedness and Response						
317-21, 317-31 AO 99-23, 7/99	Tank vessel oil spill prevention plans, cargo and passenger vessels substantial risk.	Jeff Fishel (360) 407-7504 jfis461@ecy.wa.gov	Sept 99	Jul 00	Nov 00	Correct technical problems (spelling, citation, declination, etc.), clarify definitions, update requirements to meet changes in federal and international law, and clarify current requirements.
317-10,173-181 AO 00-03, 7/99	Oil spill contingency plans and response contractor standards.	Roy Robertson (360) 407-7202 rrob461@ecy.wa.gov	Feb 00	Feb 01	Jul 01	Update plan requirements, mandate incident command systems, incorporate planning standards, and update primary response contractor standards.
317-21, Part II AO 00-14, 7/00	Tank vessel prevention plans, tank ship rules.	Jeff Fishel (360) 407-7504 jfis461@ecy.wa.gov	Jun 00	N/A	Aug 00	Repeal rules subject to challenge by <i>U.S. v. Locke, et al.</i>

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WAC Chapter	Chapter Title	Contact Person	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Scope of Changes / Sections to Amend
317-10 AO 99-23, 7/99	Oil spill contingency plans and response contractor standards.	Jeff Fishel (360) 407-7504 jfis461@ecy.wa.gov	Sept 99	Sept 00	Dec 00	Implement new or enhanced measures to improve the safety of marine transportation, and response to vessel emergencies and oil spills, for Washington waters in the Strait of Juan de Fuca and Northern Puget Sound as recommended by the North Puget Sound risk assessment panel.
Toxic Cleanup						
173-340 AO 97-09, 7/97	Model Toxic Control Act (MTCA) cleanup.	Trish Akana (360) 407-7230 taka461@ecy.wa.gov	May 97	Jul 00	Nov 00	Site specific assessment, petroleum cleanup method, ecological based cleanup standards, remedy selections, cleanup action laws, areawide contamination and brownfields, public participation in cleanup, and quality assurance. To implement recommendations from the MTCA Policy Advisory Committee (a twenty-two member legislative task force charged with making statute and rule changes).
173-321 AO 97-09, 7/97	Public participation grants.	Trish Akana (360) 407-7230 taka461@ecy.wa.gov	May 97	Jul 00	Nov 00	Implement \$60,000 grant program. Recommendation from the MTCA Policy Advisory Committee (see chapter 173-340 WAC).
173-322 AO 97-09, 7/97	Remedial action grants.	Trish Akana (360) 407-7230 taka461@ecy.wa.gov	May 97	Jul 00	Nov 00	Implement brownfields grant program. Recommendation from the MTCA Policy Advisory Committee (see chapter 173-340 WAC).
Water Resources						
173-500, 7/00	Water resources management program.	Doug Rushton (360) 407-6513 drus461@ecy.wa.gov	Dec 00	?	?	Tied to programmatic EIS for watershed planning.
173-518 AO 95-03, 7/95	Dungeness-Elwah water resources program.	Cynthia Nelson (360) 407-0276 cyne461@ecy.wa.gov	Jul 95	?	?	Set instream flow protection levels.
173-537, 1/00	Water resources management for the Yakima River Basin.	Thom Lufkin (360) 407-6631 tlhw461@ecy.wa.gov	Oct 99	?	?	Withdraw ground water from further appropriation, per MOA with BoR and Yakama Nation.
508-64, 1/00	Water use metering.	Jeff Marti (360) 407-6636 jema461@ecy.wa.gov	Mar 00	?	?	Amend or replace rule to address metering requirements (RCW 90.03.360).
173-503 AO 95-03, 7/97	Instream resource protection program—Lower Skagit.	Rod Sakrison (425) 649-4447 rsak461@ecy.wa.gov	Jul 99	Aug 00	Feb 1 [01]	Adoption of instream flow rules under HB 2514.
173-509, 1/00	Instream resource protection program—Green River Basin.	Doug Rushton (360) 407-6513 drus461@ecy.wa.gov	Dec 00	?	?	Amend to reflect new minimum instream flows.

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WAC Chapter	Chapter Title	Contact Person	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Scope of Changes / Sections to Amend
Water Quality						
173-201A AO 98-20, 7/98	Surface water quality standards for the state of Washington.	Mark Hicks (360) 407-6477 mhic461@ecy.wa.gov	Feb 99	Nov 00	Jan 01	A. Develop regulatory language to guide the implementation of a water quality antidegradation policy. This would focus on protecting water quality standards, implementing technology-based pollution control requirements, and ensuring degradation that is allowed is in the overriding public interest. It would also include provisions to set aside waters constituting an outstanding national resource from all degradation. B. Look at the way beneficial uses are assigned for protection to waterbodies under the water quality standards.
173-95A AO 00-10, 1/00	Uses and limitations of centennial clean water funds.	Tim Hilliard (360) 407-6429 thil461@ecy.wa.gov	May 00	Aug 00	Dec 00	Clarify aspects of current operation that impact the approving and denying of funds: <ul style="list-style-type: none"> • Major rating categories and the weights assigned to them. • Grant and loan ceiling amounts and match requirements. • Hardship criteria and determination. • Project/project element eligibility for grants, loans. • Interest rates and terms for loans. • Determining existing need and capacity for growth. • Eligibility of previously funded objectives. • Appeal process. • Emergency funding process, definitions, funding sources.
173-98 AO 00-11, 1/00	Uses and limitations of the water pollution control revolving fund.	Tim Hilliard (360) 407-6429 thil461@ecy.wa.gov	May 00	Aug 00	Dec 00	Make minor changes to coordinate with update to chapter 173-95A WAC.

**WSR 00-16-063
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYEES
BENEFITS BOARD**

[Memorandum—July 27, 2000]

Public Employees Benefits Board
Telephone Conference Call
Health Care Authority Northwest Room
Tuesday, August 1, 2000
1:30-1:40 p.m.

If you are a person with a disability and need special accommodation, please contact Audrey Frisch at (360) 923-2820.

Note: This telephone conference call is in lieu of the PEBB meeting tentatively scheduled on this date. The purpose of the call is to pass a resolution that will allow the processing of stock to policyholders as a result of the demutualization of the John Hancock Financial Services for long-term

care. An overview of the board briefing is available on the Health Care Authority website (www.wa.gov/hca).

Board members and others who wish to participate in the call, should dial 709-4823. (Please use area code 360 if you are out of this calling area.) At 1:30 p.m., the telephone conference will commence.

**WSR 00-16-065
RULES COORDINATOR
OFFICE OF THE
STATE TREASURER**

[Filed July 27, 2000, 3:23 p.m.]

I hereby appoint Gretchen Gale, Legal Counsel, as agency rules coordinator for the Office of the State Treasurer. She may be contacted at the Office of the State Treasurer, Legislative Building, 416 14th Avenue S.W., 2nd Floor, Olympia, WA 98504. This appointment is effective until

revoked or superseded in writing. All public inquiry relating to rule-making activities of the Office of the State Treasurer should be directed to the agency rules coordinator.

July 24, 2000

Michael J. Murphy
State Treasurer

WSR 00-16-070

AGENDA

HEALTH CARE AUTHORITY

[Filed July 28, 2000, 10:53 a.m.]

Below is the second quarter rule-making agenda for publication in the Washington State Register.

July 31, 2000 Rule-Making Semi-Annual Agenda

Approximate Preproposal 1. Date 2. Subject Area 3. Contact/Telephone Number	Purpose of the Rule Why is this Significant?	Rule(s) Mandate	Other Agencies who may have Interest in the Subject of Rule(s)
1. July or August 2000 2. WAC 182-25-020 (Basic Health Benefits) 3. Rosanne Reynolds, (360) 923-2948	Remove references to specific benefits and change the waiting period for preexisting conditions.	No mandate	Department of Social and Health Services, Medical Assistance Administration
1. July 2000 2. WAC 182-25-105 and 182-25-110 (Basic Health Appeals) 3. Rosanne Reynolds, (360) 923-2948	Basic Health is considering changing the appeals process to allow members an opportunity to explain their view of the issue, in person or by phone, earlier in the process.	No mandate	Department of Social and Health Services, Medical Assistance Administration
1. August 2000 2. Title 182 WAC 3. Melodie Bankers, (360) 923-2728	Review Basic Health and PEBB rules to ensure compliance with PBOR.	No mandate	
1. August or September 2000 2. Chapter 182-20 WAC 3. Bob Blacksmith, (360) 923-2755	Administrative simplification and removal of outdated requirements.	No mandate	Community clinics contracting with the Health Care Authority/Community Health Services.
1. July-August 2. Eligibility for PEBB coverage 3. Mich'l Needham, (360) 923-2735	Chapter 182-12 WAC outlines the eligibility rules for participation in the PEBB insurance program. The rules need updating to reflect administrative streamlining and updated customer enrollment processes.	No mandate	Political subdivisions, school districts, and state agencies participating in the PEBB program.

Name of Agency: Washington State Health Care Authority (HCA).
Contact/Telephone: Melodie Bankers, Rules Coordinator, (360) 923-2728.

Melodie Bankers
Rules Coordinator

WSR 00-16-073

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 28, 2000, 3:23 p.m.]

The Employment Security Department rule-making agenda for July 2000 is submitted for filing in accordance with E2SHB 1032, section 206.

WSR 00-16-072

NOTICE OF PUBLIC MEETINGS

WORKFORCE TRAINING AND

EDUCATION COORDINATING BOARD

[Memorandum—July 28, 2000]

The location of the August 30, 2000, WTECB meeting has changed from Labor and Industries, Olympia, Washington, to IAM/Boeing Joint Programs, 6840 Fort Dent Way #100, Tukwila, WA 98188.

If you have any questions, please call (360) 753-5677.

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**Employment Security Department
Semi-Annual Rule-Making Agenda (July 31, 2000 - January 31, 2001)**

WAC CHAPTER	CHAPTER TITLE	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-170 WAC	Availability to accept work	Juanita Myers (360) 902-9665	CR-101 - 5/97 CR-102 - 9/99 Hearing - 11/99 2nd CR-102 - 9/00 2nd Hearing - 11/00 CR-103 - 1/01 Effective - 2/01	Adopt rules regarding availability and suitable work provisions for disabled claimants, including those with pregnancy-related disabilities.
Chapter 192-210 WAC	Special category occupations	Juanita Myers (360) 902-9665	CR-101 - 11/99 CR-102 - 11/00 Hearing - To be determined CR-103 - 1/01 Effective - 2/01	Adopt rules for individuals who work or worked for a temporary services or employee leasing agency. These will include policies related to job separations and availability requirements.
Chapter 192-270 WAC	Training benefits for dislocated workers	Juanita Myers (360) 902-9665	CR-101 - 2/00 CR-102 - 9/00 Hearing - 10/00 CR-103 - 11/00 Effective - 12/00	Adopt rules implementing new legislation (SHB 3077) providing a period of additional benefits for certain dislocated workers while in training.
Chapter 192-150 WAC	Job separations	Juanita Myers (360) 902-9665	CR-101 - 2/00 CR-102 - 9/00 Hearing - 10/00 CR-103 - 11/00 Effective - 12/00	Adopt rules clarifying provisions in new legislation (SHB 3077) related to requalification requirements and bona fide work, and defining "employer-initiated mandatory transfer."
Chapter 192-150 WAC	Job separations	Juanita Myers (360) 902-9665	CR-101 - 12/98 CR-102 - 10/00 Hearing - 11/00 CR-103 - 12/00 Effective - 1/01	Adopt rule to replace WAC 192-16-070, clarifying the conditions under which benefits will be paid to individuals who are subject to an employer-initiated layoff or reduction in force.
Chapter 192-230 WAC	Recovery of overpayments	Juanita Myers (360) 902-9665	CR-101 - 9/00 CR-102 - 2/01 Hearing - To be determined CR-103 - 5/01 Effective - 6/01	Adopt rules clarifying the conditions under which unpaid overpayments will be referred to a collection agency, and addressing how collection fees will be assessed.

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Chapter 192-250 WAC	Shared work	Juanita Myers (360) 902-9665	CR-101 - 11/00 CR-102 - 5/01 Hearing - To be determined CR-103 - 8/01 Effective - 9/01	Amend rules to clarify shared work plan approval criteria; define certain terms contained in the statute; and clarify the employees eligible for participation in an approved plan.
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Barney Hilliard
Rules Coordinator

WSR 00-16-074

ATTORNEY GENERAL OPINION

Cite as: AGO 2000 No. 4
[July 3, 2000]

PUBLIC DISCLOSURE LAW - PUBLIC DISCLOSURE COMMISSION - ELECTIONS - CAMPAIGN CONTRIBUTIONS - CAMPAIGN FINANCING - CANDIDATES - Status of loans to candidates and political committees.

1. If a political campaign receives a loan from a commercial lending institution which meets the criteria set forth in RCW 42.17.720(3), and the loan is not guaranteed by any other person, the loan is exempt from the campaign contribution limitations set forth in RCW 42.17.640.

2. In limiting the extent to which candidates may be reimbursed from campaign contributions for loans to their political campaigns, RCW 42.17.125(3) applies to funds borrowed by the candidate personally but used for campaign purposes and also to funds borrowed by the candidate's political committee but guaranteed by the candidate.

The Honorable Susan Brady
Chair, Public Disclosure Commission
P.O. Box 40908
Olympia, Washington 98504-0908

WSR 00-16-075

ATTORNEY GENERAL OPINION

Cite as: AGO 2000 No. 5
[July 5, 2000]

STATE - EDUCATION - COLLEGES AND UNIVERSITIES - PUBLIC FUNDS - Authority of State Investment Board to invest funds in the advanced college tuition credit program in the stocks or other equities of private corporations.

It is consistent with the state constitution for the state investment board to use its statutory authority to purchase stocks and other corporate equities as part of its investment of funds in the advanced college tuition credit account.

The Honorable John Koster
State Representative, 39th District
P.O. Box 40600
Olympia, Washington 98504-0600

WSR 00-16-076

ATTORNEY GENERAL'S OPINION

[July 24, 2000]

Due to the excessive cost of providing hard copies of individual opinions, combined with the duplicative effort of mailing bound volumes at year end and the wide availability of opinions in electronic form, please be advised that, effective August 1, 2000, our office will no longer provide a hard copy of individual opinions to your office. Attorney General Opinions from 1996 forward are easily accessible through our office web page at <http://www.wa.gov/ago>, under the subheading Publications, Opinions. CD Law is another electronic source for opinions.

Our office will still continue to mail out bound volumes of our opinions at the end of the year. Upon request, we will continue to provide copies of formal opinions that are not available electronically, or in other extraordinary circumstances. Thank you for your understanding and cooperation. If you have any questions, please feel free to contact our opinions secretary, Pam Dungan, at (360) 586-4218.

James K. Pharris
Senior Assistant
Attorney General
(360) 664-3027

WSR 00-16-078

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 28, 2000, 3:39 p.m.]

In the effort to migrate all of DSHS rules into one WAC title, I am requesting that you renumber the rules as follows:

Old WAC Number	New WAC Number
275-33-020	388-745-0020
275-33-030	388-745-0030
275-33-040	388-745-0040
275-33-050	388-745-0050
275-33-060	388-745-0060

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

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WSR 00-16-083
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE PATROL
 (Fire Protection Policy Board)
 [Memorandum—July 27, 2000]

The Washington State Fire Protection Policy Board has scheduled a special meeting to specifically address a proposed amendment to the state fire resource mobilization plan. The meeting will be held on August 23, 2000, at 1:00 p.m., at the Hal Holmes Center, 2nd and Ruby, in Ellensburg.

A public hearing has also been scheduled August 23, 2000, at 10:00 a.m., at the same location, to take public comments regarding this issue.

For further information, please contact Ellen Tombleson at (360) 753-0411.

WSR 00-16-084
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE
 [Memorandum—July 27, 2000]

Peninsula College will change the time of their regular September meeting from 2:00 p.m. to 1:00 p.m., September 12, 2000. The meeting will be held at the Sequim Fire Hall, #3, 323 North Fifth Avenue in Sequim.

WSR 00-16-085
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—July 28, 2000]

The board of trustees of Bates Technical College will meet for their annual retreat on August 5, 2000, from 9 a.m. to 4:30 p.m. in the President's Conference Room, 1101 South Yakima Avenue, Tacoma. They will discuss board and college issues, but no action will be taken during the retreat.

WSR 00-16-093
OFFICE OF THE GOVERNOR
 [Filed July 31, 2000, 3:32 p.m.]

NOTICE OF APPEAL
 (RCW 34.05.330(3))

On July 27, 2000 the Governor received an appeal dated July 24, 2000 of the denial by the Department of Social and Health Services on June 30, 2000 of a petition to amend Washington Administrative Code Sec. 388-97-005 regarding the definitions of the terms "reasonable accommodation" and "reasonably accommodate" for certain purposes. The denied petition was dated April 29, 2000, and was filed by Restorative Care Center, d/b/a Washington Center for Comprehensive Rehabilitation.

DATED: July 31, 2000

Everett H. Billingslea
 General Counsel to the Governor

WSR 00-16-095
AGENDA
OFFICE OF
INSURANCE COMMISSIONER
 [Filed July 31, 2000, 4:07 p.m.]

Semi-Annual Rules Agenda
July 31, 2000

In accordance with RCW 34.05.314, Insurance Commissioner Deborah Senn states that the on-going rule makings stated below are currently under consideration.

Omnibus rule makings (R 2000-02 and R 2000-03) to implement recent legislation are included. The commissioner may also choose to pursue separate rule makings on some issues in the omnibus rule makings. An example of where this already has happened is R 2000-05. The commissioner is also contemplating rule makings to address chapters 284-02, 284-03, and 284-90 WAC in her regulatory improvement process. No other rule makings are currently contemplated but the commissioner reserves the right to pursue rule making as necessary on behalf of the citizens of Washington.

- R 98-12** *Requirements for Rate Filings* - provide consistent and up-to-date guidelines for filing of rate schedules, and specify the standard to be used to determine when benefits are unreasonable in relation to the proposed premium.
- R 98-14** *Washington Medicare Supplement Insurance Regulation* - improve the clarity and efficiency of rules and amend the chapter to reflect the passage of the Balanced Budget Act of 1997 (BBA).
- R 98-15** *Long-Term Care* - improve clarity and efficiency of rules and address HIPAA issues.
- R 98-16** *Washington Disability Insurance Regulation* - improve clarity and efficiency of rules.
- R 98-18** *Out-of-State Groups* - update, clarify and review overall regulatory scheme to determine if it is the most complete, efficient, and effective way of regulating this area and protecting consumers receiving coverage in Washington state.
- R 99-1** *Annuity and Deposit Fund Disclosure Regulation* - update regulatory scheme and contemplate possible changes to better protect Washington consumers.
- R 99-7** *Uniform Claims Procedures* - consider new rules to improve efficiency and reduce costs through the use of uniform claim forms and other common administrative procedures for health insurers. The commissioner will oversee a negotiated rule-

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making process facilitated by the Community Health Information Technology Alliance (CHITA) to develop and recommend the use of uniform processes for the administrative functions of health carriers. These rules may include a direction that carriers use forms and procedures to reduce duplication among carriers such as use of CHITA's "Standard Referral Form." Among the topics for consideration are uniform billing and claims forms, referral forms, authorization forms, and audit standards.

**WSR 00-16-099
OFFICE OF THE GOVERNOR**

[Filed August 1, 2000, 11:14 a.m.]

**NOTICE OF APPEAL
(RCW 34.05.330(3))**

On July 26, 2000, the governor received an appeal dated July 25, 2000, of the denial by the Department of Fish and Wildlife on June 26, 2000, of a Petition to Adopt, Amend or Repeal Rules regarding prospecting using hand-held pans, the minimum age of a person who can work an excavation site, and certain restrictions on prospecting and mining that occurs above the ordinary high water line. The denied petition was dated May 12, 2000, and was filed by the Northwest Mining Association and Vernon Young.

DATED: July 31, 2000

Everett H. Billingslea
General Counsel to the Governor

R 2000-02

Patient Bill of Rights - the commissioner will consider new rules to implement the recently enacted "patient bill of rights" chapter 5, Laws of 2000 (E2SSB 6199). The new law covers seven areas that will be the subject of rules: Health information privacy, information disclosure, access to health care services, insurer review of health care (utilization review), grievance processes, and independent review organizations. Several of the subjects require the commissioner to adopt rules.

R 2000-03

Individual Insurance Market - implementation and enforcement of E2SSB 6067, (chapter 79, Laws of 2000) which modifies rate approval, guaranteed issue, guaranteed renewability, portability, adjudication, and preexisting condition limitation provisions, and establishes new procedures of the Washington State Health Insurance Pool.

R 2000-04

Prescription Drug Benefits - the commissioner will consider new rules to implement parts of the recently enacted Health Insurance Reform Act, specifically section 26, chapter 79, Laws of 2000, which establishes a prescription benefit.

R 2000-05

Health Information Privacy - the commissioner will consider new rules to implement the recently enacted "patient bill of rights" chapter 5, Laws of 2000 (E2SSB 6199). This rule making will focus specifically on the issue of health information privacy. In addition, the commissioner will consider ways to coordinate issues of health information privacy with federal privacy initiatives.

R 2000-06

Extending the "reasonable time" under RCW 48.104.090.

Questions or comments regarding this agenda or any ongoing or possible rule making should be directed to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3784, fax (360) 664-2782, e-mail KacyB@oic.wa.gov.

This agenda is submitted by Jon Hedegard, Rules Coordinator, Office of the Insurance Commissioner.

WSR 00-16-123

**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Memorandum—August 1, 2000]

COUNTY ROAD ADMINISTRATION BOARD

MEETING: October 5, 2000
NOTICE: County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
1:00 p.m. to 5:00 p.m.

MEETING: October 6, 2000
NOTICE: County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia, WA 98504
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

WSR 00-16-148

**AGENDA
DEPARTMENT OF CORRECTIONS**

[Filed August 2, 2000, 11:26 a.m.]

Shown below is the Department of Corrections' semianual rules development agenda, as required by RCW 34.05.-314, for the time period of July 1, 2000, through January 1, 2001. There may be more rule-making activity, not on the

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agenda shown below, as a result of the reviews being done in accordance with the Governor's Executive Order 97-02.

**DEPARTMENT OF CORRECTIONS
SEMIANNUAL RULES DEVELOPMENT AGENDA
1/1/00 THROUGH 6/30/00**

WAC Chapter Number	Purpose of Rule Developed, Amended, or Repealed
Chapter 137-04	Amendment of rules to reflect changes in the department's organizational structure.
Chapter 137-08	Amendment of rules to conform to chapter 42.17 RCW and, specifically, those provisions relating to public records disclosure.
Chapter 137-12A	Repeal of rules relating to one-time impact funds to qualifying political subdivisions. Incorporation of rules into new chapter relating to siting of correctional facilities.
Chapter 137-48	Amendment of rules relating to offender mail.
Chapter 137-52	Amendment of rules relating to escorted leaves of absence for offenders.

Chapter 137-58	Repeal of rules relating to the guidelines for implementation of the State Environmental Policy Act. Incorporation of rules into new chapter relating to siting of correctional facilities.
Chapter 137-60	Amendment of rules relating to furloughs for offenders.
Chapter 137-XX	Development of rules relating to siting of correctional facilities. Consolidation of rules into this chapter that relate to one-time impact funds to qualifying political subdivisions and the implementation of the State Environmental Policy Act.
Chapter 137-XX	Development of rules relating to detainers.
Chapter 137-XX	Development of rules relating to visiting correctional facilities.
Chapter 137-XX	Development of rules to comply with chapter 196, Laws of 1999, the Offender Accountability Act.

Sherri Pardue, Rules Coordinator
Rules, Contracts, and Public Disclosure Section

**WSR 00-16-153
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 2, 2000, 11:38 a.m.]**

Following is an amendment to our previously filed Rule-Making Agenda for July through December 2000.

WAC 296-23-225 WAC 296-23-235	Specialty providers—Work hardening	Jami Lifka (360) 902-4941	CR-101XR 10/4/00	12/1/00	These sections pertain to work hard hardening services purchased by Insurance Services. These sections are essentially duplicates of each other. For that reason, the department may repeal one of these sections to get rid of the duplication. There should be no impact on the purchasing of these services.
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Selwyn S. C. Walters
Rules Coordinator

MISC.



Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendment of existing section
 - A/R = Amending and recodifying a section
 - DECOD = Decodification of an existing section
 - NEW = New section not previously codified
 - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 - PREP = Preproposal comments
 - RE-AD = Readoption of existing section
 - RECOD = Recodification of previously codified section
 - REP = Repeal of existing section
 - RESCIND = Rescind of existing section
 - REVIEW = Review of previously adopted rule
 - SUSP = Suspending an existing section

- Suffixes:**
- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - XA = Expedited adoption
 - XR = Expedited repeal
- No suffix means permanent action

WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-04-010	AMD-XA	00-13-109	4-25-830	AMD	00-11-077	16-71-040	REP	00-14-059
1-06-010	AMD-XA	00-13-109	4-25-910	AMD-P	00-07-015	16-71-050	REP-P	00-11-145
1-06-030	AMD-XA	00-13-109	4-25-910	AMD	00-11-078	16-71-050	REP	00-14-059
1-06-040	AMD-XA	00-13-109	16-42	PREP	00-08-095	16-74-001	REP-P	00-03-069
1-06-130	AMD-XA	00-13-109	16-42-005	AMD-P	00-11-146	16-74-001	REP	00-06-065
1-06-140	AMD-XA	00-13-109	16-42-005	AMD-C	00-14-076	16-74-005	NEW-P	00-03-069
1-06-160	AMD-XA	00-13-109	16-42-017	AMD-P	00-11-146	16-74-005	NEW	00-06-065
1-21-020	AMD-XA	00-13-109	16-42-017	AMD-C	00-14-076	16-74-010	AMD-P	00-03-069
1-21-070	AMD-XA	00-13-109	16-42-022	AMD-P	00-11-146	16-74-010	AMD	00-06-065
1-21-110	AMD-XA	00-13-109	16-42-022	REP-C	00-14-076	16-74-020	AMD-P	00-03-069
1-21-140	AMD-XA	00-13-109	16-42-023	NEW-C	00-14-076	16-74-020	AMD	00-06-065
1-21-160	AMD-XA	00-13-109	16-42-025	AMD-P	00-11-146	16-74-030	AMD-P	00-03-069
1-21-170	AMD-XA	00-13-109	16-42-025	REP-C	00-14-076	16-74-030	AMD	00-06-065
4-25-400	AMD-P	00-07-004	16-42-026	NEW-C	00-14-076	16-74-040	REP-P	00-03-069
4-25-400	AMD	00-11-067	16-42-035	AMD-P	00-11-146	16-74-040	REP	00-06-065
4-25-510	PREP	00-03-032	16-42-035	AMD-C	00-14-076	16-80-005	AMD-P	00-03-068
4-25-510	AMD-P	00-07-005	16-42-060	REP-P	00-11-146	16-80-005	AMD	00-06-066
4-25-510	AMD	00-11-068	16-42-060	REP-C	00-14-076	16-80-007	AMD-P	00-03-068
4-25-522	REP-P	00-07-006	16-70-001	REP-P	00-03-070	16-80-007	AMD	00-06-066
4-25-522	REP	00-11-069	16-70-001	REP	00-06-064	16-80-010	AMD-P	00-03-068
4-25-540	AMD-P	00-07-007	16-70-005	AMD-P	00-03-070	16-80-010	AMD	00-06-066
4-25-540	AMD	00-11-070	16-70-005	AMD	00-06-064	16-80-015	AMD-P	00-03-068
4-25-631	AMD-P	00-07-008	16-70-010	AMD-P	00-03-070	16-80-015	AMD	00-06-066
4-25-631	AMD	00-11-071	16-70-010	AMD	00-06-064	16-80-020	AMD-P	00-03-068
4-25-660	AMD-P	00-07-009	16-70-010	AMD	00-06-064	16-80-020	AMD	00-06-066
4-25-660	AMD	00-11-072	16-70-030	REP-P	00-03-070	16-80-025	AMD-P	00-03-068
4-25-661	AMD-P	00-07-010	16-70-030	REP	00-06-064	16-80-025	AMD	00-06-066
4-25-661	AMD	00-11-073	16-71	PREP	00-08-094	16-80-025	AMD	00-06-066
4-25-750	AMD-P	00-07-011	16-71-001	REP-P	00-11-145	16-80-030	AMD-P	00-03-068
4-25-750	AMD	00-11-074	16-71-001	REP	00-14-059	16-80-030	AMD	00-06-066
4-25-780	REP-P	00-07-012	16-71-003	REP-P	00-11-145	16-80-035	AMD-P	00-03-068
4-25-780	REP	00-11-075	16-71-003	REP	00-14-059	16-80-035	AMD	00-06-066
4-25-781	NEW-P	00-07-013	16-71-010	AMD-P	00-11-145	16-80-040	AMD-P	00-03-068
4-25-781	NEW	00-11-076	16-71-010	AMD	00-14-059	16-80-040	AMD	00-06-066
4-25-782	NEW-P	00-07-013	16-71-022	AMD-P	00-11-145	16-80-045	AMD-P	00-03-068
4-25-782	NEW	00-11-076	16-71-022	AMD	00-14-059	16-80-045	AMD	00-06-066
4-25-783	NEW-P	00-07-013	16-71-030	AMD-P	00-11-145	16-80-047	AMD-P	00-03-068
4-25-783	NEW	00-11-076	16-71-030	AMD	00-14-059	16-80-047	AMD	00-06-066
4-25-830	PREP	00-03-033	16-71-035	NEW-P	00-11-145	16-80-050	REP-P	00-03-068
4-25-830	AMD-P	00-07-014	16-71-035	NEW	00-14-059	16-80-050	REP	00-06-066
			16-71-040	REP-P	00-11-145	16-101	PREP	00-02-077

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-101-700	AMD-P	00-15-001	16-213-100	REP	00-08-041	16-230-610	PREP	00-13-030
16-101-716	AMD-P	00-15-001	16-213-110	REP-P	00-05-048	16-230-610	PREP	00-15-063
16-101-721	AMD-P	00-15-001	16-213-110	REP	00-08-041	16-230-615	PREP	00-13-030
16-101-990	AMD-P	00-15-001	16-213-120	REP-P	00-05-048	16-230-615	PREP	00-15-063
16-101X	PREP	00-07-115	16-213-120	REP	00-08-041	16-230-620	PREP	00-13-030
16-112-001	REP	00-05-024	16-213-120	REP	00-08-041	16-230-620	PREP	00-15-063
16-112-010	REP	00-05-024	16-213-130	REP-P	00-05-048	16-230-625	PREP	00-13-030
16-112-020	REP	00-05-024	16-213-130	REP	00-08-041	16-230-625	PREP	00-15-063
16-112-030	REP	00-05-024	16-213-200	AMD-P	00-05-048	16-230-630	PREP	00-13-030
16-143	NEW-C	00-11-112	16-213-200	AMD	00-08-041	16-230-630	PREP	00-15-063
16-143-005	NEW-E	00-13-055	16-213-220	REP-P	00-05-048	16-230-635	PREP	00-13-030
16-143-010	NEW-P	00-08-107	16-213-220	REP	00-08-041	16-230-635	PREP	00-15-063
16-143-010	NEW	00-11-123	16-213-230	REP-P	00-05-048	16-230-640	PREP	00-13-030
16-143-020	NEW-P	00-08-107	16-213-230	REP	00-08-041	16-230-640	PREP	00-15-063
16-143-020	NEW	00-11-123	16-213-240	REP-P	00-05-048	16-230-645	PREP	00-13-030
16-143-030	NEW-P	00-08-107	16-213-240	REP	00-08-041	16-230-645	PREP	00-15-063
16-143-030	NEW	00-11-123	16-213-250	REP-P	00-05-048	16-230-650	PREP	00-13-030
16-143-040	NEW-P	00-08-107	16-213-250	REP	00-08-041	16-230-650	PREP	00-15-063
16-143-040	NEW	00-11-123	16-213-260	AMD-P	00-05-048	16-230-655	PREP	00-13-030
16-143-050	NEW-P	00-08-107	16-213-260	AMD	00-08-041	16-230-655	PREP	00-15-063
16-143-050	NEW	00-11-123	16-213-270	AMD-P	00-05-048	16-230-660	PREP	00-13-030
16-143-060	NEW-P	00-08-107	16-213-270	AMD	00-08-041	16-230-660	PREP	00-15-063
16-143-060	NEW	00-11-123	16-228-1010	PREP	00-03-080	16-230-665	PREP	00-13-030
16-143-070	NEW-P	00-08-107	16-228-1040	PREP	00-03-080	16-230-665	PREP	00-15-063
16-143-070	NEW	00-11-123	16-228-1110	AMD-P	00-10-098	16-230-670	PREP	00-13-030
16-143-080	NEW-P	00-08-107	16-228-1110	AMD-C	00-13-031	16-230-670	PREP	00-15-063
16-143-080	NEW	00-11-123	16-228-1120	AMD-P	00-10-098	16-230-673	PREP	00-13-030
16-143-090	NEW-P	00-08-107	16-228-1120	AMD-C	00-13-031	16-230-673	PREP	00-15-063
16-143-090	NEW	00-11-123	16-228-1125	NEW-P	00-10-098	16-230-675	PREP	00-13-030
16-143-100	NEW-P	00-08-107	16-228-1125	NEW-C	00-13-031	16-230-675	PREP	00-15-063
16-143-100	NEW	00-11-123	16-228-1130	AMD-P	00-10-098	16-232-001	PREP	00-15-064
16-143-110	NEW-P	00-08-107	16-228-1130	AMD-C	00-13-031	16-232-005	PREP	00-15-064
16-143-110	NEW	00-11-123	16-228-1140	REP-P	00-10-098	16-232-010	PREP	00-15-064
16-147-010	AMD	00-05-025	16-228-1140	REP-C	00-13-031	16-232-015	PREP	00-15-064
16-147-020	AMD	00-05-025	16-228-1150	PREP	00-03-080	16-232-020	PREP	00-15-064
16-147-030	AMD	00-05-025	16-228-1150	AMD-P	00-10-098	16-232-025	PREP	00-15-064
16-154-030	AMD-S	00-13-012	16-228-1150	AMD-C	00-13-031	16-232-027	PREP	00-15-064
16-154-050	AMD-S	00-13-012	16-228-1155	NEW-P	00-10-098	16-232-030	PREP	00-15-064
16-154-053	NEW-S	00-13-012	16-228-1155	NEW-C	00-13-031	16-232-035	PREP	00-15-064
16-154-060	AMD-S	00-13-012	16-228-1200	PREP	00-03-080	16-232-038	PREP	00-15-064
16-154-070	AMD-S	00-13-012	16-228-1220	PREP	00-03-077	16-233	PREP	00-09-029
16-154-080	AMD-S	00-13-012	16-228-1230	PREP	00-03-080	16-324-361	AMD-XA	00-16-111
16-154-090	AMD-S	00-13-012	16-228-1240	PREP	00-03-077	16-324-370	AMD-XA	00-16-111
16-154-100	AMD-S	00-13-012	16-228-1250	PREP	00-03-077	16-324-375	AMD-XA	00-16-111
16-154-110	AMD-S	00-13-012	16-228-1270	PREP	00-03-080	16-324-381	AMD-XA	00-16-111
16-154-120	AMD-W	00-13-026	16-228-1300	PREP	00-03-077	16-324-382	AMD-XA	00-16-111
16-154-180	NEW-S	00-13-012	16-228-1320	PREP	00-03-077	16-324-385	NEW-XA	00-16-111
16-164	PREP	00-15-030	16-228-1380	PREP	00-03-080	16-324-391	AMD-XA	00-16-111
16-200-512	REP-XR	00-07-068	16-228-1385	PREP	00-03-080	16-324-392	AMD-XA	00-16-111
16-200-512	REP	00-16-046	16-228-1400	PREP	00-03-078	16-324-393	AMD-XA	00-16-111
16-200-600	NEW-P	00-15-065	16-228-1500	PREP	00-03-079	16-324-394	REP-XA	00-16-111
16-200-695	PREP	00-03-076	16-228-1520	PREP	00-03-079	16-324-395	REP-XA	00-16-111
16-200-695	AMD-P	00-15-065	16-228-1540	PREP	00-03-080	16-324-396	AMD-XA	00-16-111
16-200-701	NEW-P	00-15-065	16-228-1545	PREP	00-03-079	16-324-397	REP-XA	00-16-111
16-200-703	NEW-P	00-15-065	16-228-1580	PREP	00-03-080	16-324-398	AMD-XA	00-16-111
16-200-705	REP-P	00-15-065	16-228-2000	PREP	00-03-077	16-324-399	NEW-XA	00-16-111
16-202-1000	PREP	00-03-076	16-230	PREP	00-04-020	16-324-399	AMD-XA	00-16-111
16-202-2000	PREP	00-03-076	16-230	PREP	00-04-021	16-324-401	AMD-XA	00-16-111
16-212	PREP	00-10-104	16-230	PREP	00-04-022	16-324-402	AMD-XA	00-16-111
16-213-010	REP-P	00-05-048	16-230-600	PREP	00-13-030	16-324-409	AMD-XA	00-16-111
16-213-010	REP	00-08-041	16-230-600	PREP	00-15-063	16-324-431	AMD-XA	00-16-111
16-213-100	REP-P	00-05-048	16-230-605	PREP	00-13-030	16-324-446	AMD-XA	00-16-111
			16-230-605	PREP	00-15-063	16-324-700	REP-XA	00-16-111

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-324-710	REP-XA	00-16-111	16-470	PREP	00-16-048	44- 10-010	AMD	00-08-068
16-324-720	AMD-XA	00-16-111	16-470	PREP	00-16-049	44- 10-170	AMD	00-08-068
16-328	AMD-XA	00-14-079	16-470	PREP	00-16-050	44- 10-200	AMD	00-08-068
16-328-008	AMD-XA	00-14-079	16-472-010	AMD-XA	00-16-110	50- 12-020	DECOD-X	00-13-101
16-328-009	REP-XA	00-14-079	16-472-020	AMD-XA	00-16-110	50- 12-030	AMD-XA	00-13-101
16-328-010	AMD-XA	00-14-079	16-472-030	AMD-XA	00-16-110	50- 12-030	DECOD-X	00-13-101
16-328-015	AMD-XA	00-14-079	16-472-040	AMD-XA	00-16-110	50- 12-045	AMD-XA	00-13-101
16-328-025	AMD-XA	00-14-079	16-472-050	REP-XA	00-16-110	50- 12-045	DECOD-X	00-13-101
16-328-030	REP-XA	00-14-079	16-478	PREP	00-16-047	50- 12-050	DECOD-X	00-13-101
16-328-035	REP-XA	00-14-079	16-483	AMD-C	00-04-066	50- 12-060	AMD-XA	00-13-101
16-328-038	REP-XA	00-14-079	16-483-001	AMD	00-05-105	50- 12-060	DECOD-X	00-13-101
16-328-045	NEW-XA	00-14-079	16-483-005	AMD	00-05-105	50- 12-070	AMD-XA	00-13-101
16-328-060	AMD-XA	00-14-079	16-483-010	AMD	00-05-105	50- 12-070	DECOD-X	00-13-101
16-328-065	AMD-XA	00-14-079	16-483-020	AMD	00-05-105	50- 12-080	DECOD-X	00-13-101
16-328-080	REP-XA	00-14-079	16-483-030	AMD	00-05-105	50- 12-090	DECOD-X	00-13-101
16-328-083	AMD-XA	00-14-079	16-483-040	AMD	00-05-105	50- 12-100	DECOD-X	00-13-101
16-328-085	AMD-XA	00-14-079	16-483-050	AMD	00-05-105	50- 12-110	DECOD-X	00-13-101
16-328-088	AMD-XA	00-14-079	16-483-060	REP	00-05-105	50- 12-115	DECOD-X	00-13-101
16-333	AMD-XA	00-14-077	16-516-010	AMD-XA	00-07-079	50- 12-116	DECOD-X	00-13-101
16-333-010	AMD-XA	00-14-077	16-516-010	AMD	00-11-180	50- 12-117	AMD-XA	00-13-101
16-333-020	AMD-XA	00-14-077	16-516-020	AMD-XA	00-07-079	50- 12-117	DECOD-X	00-13-101
16-333-030	REP-XA	00-14-077	16-516-020	AMD	00-11-180	50- 12-120	AMD-XA	00-13-101
16-333-040	AMD-XA	00-14-077	16-536-040	AMD-P	00-05-089	50- 12-120	DECOD-X	00-13-101
16-333-045	NEW-XA	00-14-077	16-550-020	AMD-XA	00-05-090	50- 12-130	DECOD-X	00-13-101
16-333-050	REP-XA	00-14-077	16-550-020	AMD	00-10-022	50- 12-140	AMD-XA	00-13-101
16-333-051	NEW-XA	00-14-077	16-555-020	AMD-XA	00-05-091	50- 12-140	DECOD-X	00-13-101
16-333-056	NEW-XA	00-14-077	16-555-020	AMD	00-10-024	50- 12-150	AMD-XA	00-13-101
16-333-060	REP-XA	00-14-077	16-557	REP-C	00-08-066	50- 12-150	DECOD-X	00-13-101
16-333-061	NEW-XA	00-14-077	16-557	REP-C	00-09-026	50- 12-160	AMD-XA	00-13-101
16-333-065	REP-XA	00-14-077	16-557-010	REP-C	00-07-136	50- 12-160	DECOD-X	00-13-101
16-333-066	NEW-XA	00-14-077	16-557-010	REP-W	00-10-066	50- 12-170	DECOD-X	00-13-101
16-333-070	REP-XA	00-14-077	16-557-020	REP-C	00-07-136	50- 12-180	DECOD-X	00-13-101
16-333-071	NEW-XA	00-14-077	16-557-020	REP-W	00-10-066	50- 12-190	DECOD-X	00-13-101
16-333-080	REP-XA	00-14-077	16-557-025	REP-C	00-07-136	50- 12-200	AMD-XA	00-13-101
16-333-085	NEW-XA	00-14-077	16-557-025	REP-W	00-10-066	50- 12-200	DECOD-X	00-13-101
16-333-090	AMD-XA	00-14-077	16-557-030	REP-C	00-07-136	50- 12-210	AMD-XA	00-13-101
16-350	AMD-XA	00-14-078	16-557-030	REP-W	00-10-066	50- 12-210	DECOD-X	00-13-101
16-350-001	REP-XA	00-14-078	16-557-040	REP-C	00-07-136	50- 12-220	DECOD-X	00-13-101
16-350-003	REP-XA	00-14-078	16-557-040	REP-W	00-10-066	50- 12-230	PREP	00-13-099
16-350-010	AMD-XA	00-14-078	16-557-041	REP-C	00-07-136	50- 12-230	AMD-XA	00-13-101
16-350-015	AMD-XA	00-14-078	16-557-041	REP-W	00-10-066	50- 12-230	DECOD-X	00-13-101
16-350-020	AMD-XA	00-14-078	16-557-050	REP-C	00-07-136	50- 12-240	DECOD-X	00-13-101
16-350-025	AMD-XA	00-14-078	16-557-050	REP-W	00-10-066	50- 12-250	AMD-XA	00-13-101
16-350-030	AMD-XA	00-14-078	16-557-060	REP-C	00-07-136	50- 12-250	DECOD-X	00-13-101
16-350-032	AMD-XA	00-14-078	16-557-060	REP-W	00-10-066	50- 12-260	DECOD-X	00-13-101
16-350-035	AMD-XA	00-14-078	16-557-070	REP-C	00-07-136	50- 12-270	DECOD-X	00-13-101
16-350-040	AMD-XA	00-14-078	16-557-070	REP-W	00-10-066	50- 12-280	DECOD-X	00-13-101
16-350-045	AMD-XA	00-14-078	16-557-080	REP-C	00-07-136	50- 12-290	DECOD-X	00-13-101
16-350-050	AMD-XA	00-14-078	16-557-080	REP-W	00-10-066	50- 12-300	DECOD-X	00-13-101
16-350-060	REP-XA	00-14-078	16-565-020	AMD-XA	00-05-092	50- 12-310	AMD-XA	00-13-101
16-350-065	REP-XA	00-14-078	16-565-020	AMD	00-10-023	50- 12-310	DECOD-X	00-13-101
16-350-070	REP-XA	00-14-078	16-570	PREP	00-10-109	50- 12-320	DECOD-X	00-13-101
16-350-075	REP-XA	00-14-078	16-573	PREP	00-10-108	50- 12-330	DECOD-X	00-13-101
16-404	PREP	00-03-083	16-622	PREP	00-12-007	50- 12-340	DECOD-X	00-13-101
16-409	PREP	00-03-085	16-662-105	AMD-P	00-09-090	50- 12-350	AMD-XA	00-13-101
16-414	PREP	00-07-132	16-662-105	AMD	00-14-005	50- 12-350	DECOD-X	00-13-101
16-439	PREP	00-07-134	16-663	PREP	00-13-078	50- 12-360	DECOD-X	00-13-101
16-442	PREP	00-07-133	16-664	PREP	00-13-080	50- 12-370	AMD-XA	00-13-101
16-445	PREP	00-03-084	16-674	PREP	00-13-079	50- 12-370	DECOD-X	00-13-101
16-449	PREP	00-15-010	16-690	PREP	00-15-010	50- 14-010	AMD-XA	00-13-101
16-459	PREP	00-15-010	16-750	PREP	00-13-002	50- 14-010	DECOD-X	00-13-101
16-463	PREP	00-07-135	25- 48	PREP	00-11-170	50- 14-020	AMD-XA	00-13-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
50-14-020	DECOD-X	00-13-101	50-36-050	AMD-XA	00-13-101	51-11-0504	AMD-P	00-16-131
50-14-030	AMD-XA	00-13-101	50-36-050	DECOD-X	00-13-101	51-11-0505	AMD-P	00-16-131
50-14-030	DECOD-X	00-13-101	50-36-060	DECOD-X	00-13-101	51-11-0530	AMD-P	00-16-131
50-14-040	AMD-XA	00-13-101	50-36-070	DECOD-X	00-13-101	51-11-0601	AMD-P	00-16-131
50-14-040	DECOD-X	00-13-101	50-36-080	AMD-XA	00-13-101	51-11-0602	AMD-P	00-16-131
50-14-050	AMD-XA	00-13-101	50-36-080	DECOD-X	00-13-101	51-11-0604	AMD-P	00-16-131
50-14-050	DECOD-X	00-13-101	50-36-090	AMD-XA	00-13-101	51-11-0605	AMD-P	00-16-131
50-14-060	AMD-XA	00-13-101	50-36-090	DECOD-X	00-13-101	51-11-0625	AMD-P	00-16-131
50-14-060	DECOD-X	00-13-101	50-36-100	DECOD-X	00-13-101	51-11-0626	AMD-P	00-16-131
50-14-070	AMD-XA	00-13-101	50-36-110	DECOD-X	00-13-101	51-11-0627	AMD-P	00-16-131
50-14-070	DECOD-X	00-13-101	50-36-120	DECOD-X	00-13-101	51-11-0628	AMD-P	00-16-131
50-14-080	AMD-XA	00-13-101	50-44-005	AMD-XA	00-13-101	51-11-0630	AMD-P	00-16-131
50-14-080	DECOD-X	00-13-101	50-44-005	DECOD-X	00-13-101	51-11-0701	AMD-P	00-16-131
50-14-090	AMD-XA	00-13-101	50-44-010	AMD-XA	00-13-101	51-11-1001	AMD-P	00-16-131
50-14-090	DECOD-X	00-13-101	50-44-010	DECOD-X	00-13-101	51-11-1002	AMD-P	00-16-131
50-14-100	AMD-XA	00-13-101	50-44-020	AMD-XA	00-13-101	51-11-1003	AMD-P	00-16-131
50-14-100	DECOD-X	00-13-101	50-44-020	DECOD-X	00-13-101	51-11-1004	AMD-P	00-16-131
50-14-110	DECOD-X	00-13-101	50-44-025	DECOD-X	00-13-101	51-11-1005	AMD-P	00-16-131
50-14-120	AMD-XA	00-13-101	50-44-030	AMD-XA	00-13-101	51-11-1006	AMD-P	00-16-131
50-14-120	DECOD-X	00-13-101	50-44-030	DECOD-X	00-13-101	51-11-1007	AMD-P	00-16-131
50-14-130	AMD-XA	00-13-101	50-44-037	DECOD-X	00-13-101	51-11-1008	AMD-P	00-16-131
50-14-130	DECOD-X	00-13-101	50-44-039	DECOD-X	00-13-101	51-11-1009	AMD-P	00-16-131
50-14-140	DECOD-X	00-13-101	50-44-050	AMD-XA	00-13-101	51-11-1201	REP-P	00-16-131
50-28-010	DECOD-X	00-13-101	50-44-050	DECOD-X	00-13-101	51-11-1210	REP-P	00-16-131
50-28-020	AMD-XA	00-13-101	50-44-060	AMD-XA	00-13-101	51-11-1312	AMD-P	00-16-131
50-28-020	DECOD-X	00-13-101	50-44-060	DECOD-X	00-13-101	51-11-1313	AMD-P	00-16-131
50-28-030	AMD-XA	00-13-101	50-48-010	AMD-XA	00-13-101	51-11-1322	AMD-P	00-16-131
50-28-030	DECOD-X	00-13-101	50-48-010	DECOD-X	00-13-101	51-11-1323	AMD-P	00-16-131
50-28-040	DECOD-X	00-13-101	50-48-020	AMD-XA	00-13-101	51-11-1331	AMD-P	00-16-131
50-28-050	AMD-XA	00-13-101	50-48-020	DECOD-X	00-13-101	51-11-1334	AMD-P	00-16-131
50-28-050	DECOD-X	00-13-101	50-48-030	AMD-XA	00-13-101	51-11-1401	AMD-P	00-16-131
50-28-060	AMD-XA	00-13-101	50-48-030	DECOD-X	00-13-101	51-11-1410	AMD-P	00-16-131
50-28-060	DECOD-X	00-13-101	50-48-040	DECOD-X	00-13-101	51-11-1411	AMD-P	00-16-131
50-28-070	AMD-XA	00-13-101	50-48-050	DECOD-X	00-13-101	51-11-1412	AMD-P	00-16-131
50-28-070	DECOD-X	00-13-101	50-48-060	AMD-XA	00-13-101	51-11-1414	AMD-P	00-16-131
50-28-990	AMD-XA	00-13-101	50-48-060	DECOD-X	00-13-101	51-11-1415	AMD-P	00-16-131
50-28-990	DECOD-X	00-13-101	50-48-070	AMD-XA	00-13-101	51-11-1416	NEW-P	00-16-131
50-32-010	DECOD-X	00-14-053	50-48-070	DECOD-X	00-13-101	51-11-1423	AMD-P	00-16-131
50-32-020	AMD-XA	00-14-053	50-48-080	DECOD-X	00-13-101	51-11-1433	AMD-P	00-16-131
50-32-020	DECOD-X	00-14-053	50-48-090	AMD-XA	00-13-101	51-11-1435	AMD-P	00-16-131
50-32-030	AMD-XA	00-14-053	50-48-090	DECOD-X	00-13-101	51-11-1438	AMD-P	00-16-131
50-32-030	DECOD-X	00-14-053	50-48-100	AMD-XA	00-13-101	51-11-1439	NEW-P	00-16-131
50-32-040	AMD-XA	00-14-053	50-48-100	DECOD-X	00-13-101	51-11-1443	NEW-P	00-16-131
50-32-040	DECOD-X	00-14-053	50-56-010	AMD-XA	00-13-101	51-11-1454	AMD-P	00-16-131
50-32-050	DECOD-X	00-14-053	50-56-010	DECOD-X	00-13-101	51-11-1512	AMD-P	00-16-131
50-32-060	DECOD-X	00-14-053	50-56-020	AMD-XA	00-13-101	51-11-1521	AMD-P	00-16-131
50-32-070	DECOD-X	00-14-053	50-56-020	DECOD-X	00-13-101	51-11-1530	AMD-P	00-16-131
50-32-080	DECOD-X	00-14-053	50-56-030	AMD-XA	00-13-101	51-11-1531	AMD-P	00-16-131
50-32-090	AMD-XA	00-14-053	50-56-030	DECOD-X	00-13-101	51-11-1532	AMD-P	00-16-131
50-32-090	DECOD-X	00-14-053	50-56-040	AMD-XA	00-13-101	51-11-1701	REP-P	00-16-131
50-32-100	DECOD-X	00-14-053	50-56-040	DECOD-X	00-13-101	51-11-2000	REP-P	00-16-131
50-32-99001	AMD-XA	00-14-053	50-56-050	AMD-XA	00-13-101	51-11-2001	REP-P	00-16-131
50-32-99001	DECOD-X	00-14-053	50-56-050	DECOD-X	00-13-101	51-11-2002	REP-P	00-16-131
50-32-99002	AMD-XA	00-14-053	50-56-060	AMD-XA	00-13-101	51-11-2003	REP-P	00-16-131
50-32-99002	DECOD-X	00-14-053	50-56-060	DECOD-X	00-13-101	51-11-2004	REP-P	00-16-131
50-32-99003	AMD-XA	00-14-053	50-56-070	AMD-XA	00-13-101	51-11-2005	REP-P	00-16-131
50-32-99003	DECOD-X	00-14-053	50-56-070	DECOD-X	00-13-101	51-11-2006	REP-P	00-16-131
50-36-010	DECOD-X	00-13-101	50-56-080	AMD-XA	00-13-101	51-11-2007	REP-P	00-16-131
50-36-020	AMD-XA	00-13-101	50-56-080	DECOD-X	00-13-101	51-11-2008	REP-P	00-16-131
50-36-020	DECOD-X	00-13-101	51-11-0201	AMD-P	00-16-131	51-11-2009	REP-P	00-16-131
50-36-030	DECOD-X	00-13-101	51-11-0502	AMD-P	00-16-131	51-11-99902	AMD-P	00-16-131
50-36-040	DECOD-X	00-13-101	51-11-0503	AMD-P	00-16-131			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-11-99903	AMD-P	00-16-131	51-44-1007	AMD-P	00-16-132	51-46-0700	REP-P	00-16-129
51-11-99904	AMD-P	00-16-131	51-44-1102	NEW-P	00-16-132	51-46-0701	REP-P	00-16-129
51-13-101	AMD-P	00-16-133	51-44-1109	AMD-P	00-16-132	51-46-0704	REP-P	00-16-129
51-13-301	AMD-P	00-16-133	51-44-2500	AMD-P	00-16-132	51-46-0710	REP-P	00-16-129
51-13-302	AMD-P	00-16-133	51-44-5200	AMD-P	00-16-132	51-46-0713	REP-P	00-16-129
51-13-303	AMD-P	00-16-133	51-44-6100	AMD-P	00-16-132	51-46-0793	REP-P	00-16-129
51-13-304	AMD-P	00-16-133	51-44-6300	AMD-P	00-16-132	51-46-0800	REP-P	00-16-129
51-13-503	AMD-P	00-16-133	51-44-7900	AMD-P	00-16-132	51-46-0810	REP-P	00-16-129
51-40-0200	AMD-P	00-16-128	51-44-8000	AMD-P	00-16-132	51-46-0814	REP-P	00-16-129
51-40-0310	AMD-P	00-16-128	51-44-8102	NEW-P	00-16-132	51-46-0815	REP-P	00-16-129
51-40-0313	AMD-P	00-16-128	51-45-10100	NEW-P	00-16-132	51-46-0900	REP-P	00-16-129
51-40-0403	AMD-P	00-16-128	51-46-001	REP-P	00-16-129	51-46-0903	REP-P	00-16-129
51-40-0804	AMD-P	00-16-128	51-46-002	REP-P	00-16-129	51-46-1000	REP-P	00-16-129
51-40-0902	AMD-P	00-16-128	51-46-003	REP-P	00-16-129	51-46-1003	REP-P	00-16-129
51-40-1003	AMD-P	00-16-128	51-46-007	REP-P	00-16-129	51-46-1012	REP-P	00-16-129
51-40-1004	AMD-P	00-16-128	51-46-008	REP-P	00-16-129	51-46-1300	REP-P	00-16-129
51-40-1103	AMD-P	00-16-128	51-46-0100	REP-P	00-16-129	51-46-1301	REP-P	00-16-129
51-40-1104	AMD-P	00-16-128	51-46-0101	REP-P	00-16-129	51-46-1302	REP-P	00-16-129
51-40-1105	AMD-P	00-16-128	51-46-0102	REP-P	00-16-129	51-46-1303	REP-P	00-16-129
51-40-1106	AMD-P	00-16-128	51-46-0103	REP-P	00-16-129	51-46-1304	REP-P	00-16-129
51-40-1202	NEW-P	00-16-128	51-46-0200	REP-P	00-16-129	51-46-1305	REP-P	00-16-129
51-40-1203	AMD-P	00-16-128	51-46-0205	REP-P	00-16-129	51-46-1400	REP-P	00-16-129
51-40-1505	NEW-P	00-16-128	51-46-0215	REP-P	00-16-129	51-46-1401	REP-P	00-16-129
51-40-1600	NEW-P	00-16-128	51-46-0218	REP-P	00-16-129	51-46-1491	REP-P	00-16-129
51-40-1616	AMD-P	00-16-128	51-46-0300	REP-P	00-16-129	51-46-97120	REP-P	00-16-129
51-40-1700	NEW-P	00-16-128	51-46-0301	REP-P	00-16-129	51-46-97121	REP-P	00-16-129
51-40-1800	NEW-P	00-16-128	51-46-0310	REP-P	00-16-129	51-46-97122	REP-P	00-16-129
51-40-1900	NEW-P	00-16-128	51-46-0311	REP-P	00-16-129	51-46-97123	REP-P	00-16-129
51-40-2000	NEW-P	00-16-128	51-46-0313	REP-P	00-16-129	51-46-97124	REP-P	00-16-129
51-40-2100	NEW-P	00-16-128	51-46-0314	REP-P	00-16-129	51-46-97125	REP-P	00-16-129
51-40-2106	NEW-P	00-16-128	51-46-0316	REP-P	00-16-129	51-46-97126	REP-P	00-16-129
51-40-2200	NEW-P	00-16-128	51-46-0392	REP-P	00-16-129	51-46-97127	REP-P	00-16-129
51-40-2300	NEW-P	00-16-128	51-46-0400	REP-P	00-16-129	51-46-97128	REP-P	00-16-129
51-40-2900	AMD-P	00-16-128	51-46-0402	REP-P	00-16-129	51-46-97129	REP-P	00-16-129
51-40-2929	AMD-P	00-16-128	51-46-0412	REP-P	00-16-129	51-47-001	REP-P	00-16-129
51-40-3102	AMD-P	00-16-128	51-46-0413	REP-P	00-16-129	51-47-002	REP-P	00-16-129
51-40-31200	AMD-P	00-16-128	51-46-0500	REP-P	00-16-129	51-47-003	REP-P	00-16-129
51-42-0405	NEW-P	00-16-130	51-46-0501	REP-P	00-16-129	51-47-007	REP-P	00-16-129
51-42-1101	AMD-P	00-16-130	51-46-0502	REP-P	00-16-129	51-47-008	REP-P	00-16-129
51-42-1103	AMD-P	00-16-130	51-46-0505	REP-P	00-16-129	51-56-001	NEW-P	00-16-129
51-42-1105	AMD-P	00-16-130	51-46-0507	REP-P	00-16-129	51-56-002	NEW-P	00-16-129
51-42-1109	NEW-P	00-16-130	51-46-0509	REP-P	00-16-129	51-56-003	NEW-P	00-16-129
51-42-1110	NEW-P	00-16-130	51-46-0512	REP-P	00-16-129	51-56-007	NEW-P	00-16-129
51-42-1111	NEW-P	00-16-130	51-46-0513	REP-P	00-16-129	51-56-008	NEW-P	00-16-129
51-42-1112	NEW-P	00-16-130	51-46-0514	REP-P	00-16-129	51-56-0100	NEW-P	00-16-129
51-42-1113	NEW-P	00-16-130	51-46-0515	REP-P	00-16-129	51-56-0200	NEW-P	00-16-129
51-42-1114	NEW-P	00-16-130	51-46-0516	REP-P	00-16-129	51-56-0300	NEW-P	00-16-129
51-42-1115	NEW-P	00-16-130	51-46-0517	REP-P	00-16-129	51-56-0400	NEW-P	00-16-129
51-42-1116	NEW-P	00-16-130	51-46-0518	REP-P	00-16-129	51-56-0500	NEW-P	00-16-129
51-42-1117	NEW-P	00-16-130	51-46-0519	REP-P	00-16-129	51-56-0600	NEW-P	00-16-129
51-42-1118	NEW-P	00-16-130	51-46-0520	REP-P	00-16-129	51-56-0700	NEW-P	00-16-129
51-42-1119	NEW-P	00-16-130	51-46-0521	REP-P	00-16-129	51-56-0800	NEW-P	00-16-129
51-42-1120	NEW-P	00-16-130	51-46-0522	REP-P	00-16-129	51-56-0900	NEW-P	00-16-129
51-42-1121	NEW-P	00-16-130	51-46-0523	REP-P	00-16-129	51-56-1300	NEW-P	00-16-129
51-42-1122	NEW-P	00-16-130	51-46-0524	REP-P	00-16-129	51-56-1400	NEW-P	00-16-129
51-42-1123	NEW-P	00-16-130	51-46-0525	REP-P	00-16-129	51-56-1500	NEW-P	00-16-129
51-42-1124	NEW-P	00-16-130	51-46-0600	REP-P	00-16-129	51-56-201300	NEW-P	00-16-129
51-42-1126	NEW-P	00-16-130	51-46-0603	REP-P	00-16-129	51-57-001	NEW-P	00-16-129
51-42-1301	NEW-P	00-16-130	51-46-0604	REP-P	00-16-129	51-57-002	NEW-P	00-16-129
51-44-0103	AMD-P	00-16-132	51-46-0608	REP-P	00-16-129	51-57-003	NEW-P	00-16-129
51-44-0105	NEW-P	00-16-132	51-46-0609	REP-P	00-16-129	51-57-007	NEW-P	00-16-129
51-44-0200	AMD-P	00-16-132	51-46-0610	REP-P	00-16-129	51-57-008	NEW-P	00-16-129

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 57-790000	NEW-P	00-16-129	132E-120-200	NEW-P	00-06-063	132G-276-900	AMD-P	00-02-074
51- 57-895000	NEW-P	00-16-129	132E-120-210	NEW-P	00-06-063	132G-276-900	AMD-S	00-06-074
82- 50-021	AMD-XA	00-05-016	132E-120-220	RECOD-P	00-06-063	132G-276-900	AMD	00-10-048
82- 50-021	AMD	00-09-088	132E-120-230	RECOD-P	00-06-063	132H-121-010	AMD-E	00-14-002
112- 10-010	AMD	00-05-036	132E-120-240	NEW-P	00-06-063	132H-121-010	AMD-P	00-15-027
112- 10-020	AMD	00-05-036	132E-120-250	NEW-P	00-06-063	132H-160-182	AMD	00-11-102
112- 10-030	AMD	00-05-036	132E-120-260	NEW-P	00-06-063	132L- 20-010	REP	00-07-113
112- 10-040	AMD	00-05-036	132E-120-270	NEW-P	00-06-063	132L- 20-030	REP	00-07-113
112- 10-050	AMD	00-05-036	132E-120-280	NEW-P	00-06-063	132L- 20-050	REP	00-07-113
112- 10-060	AMD	00-05-036	132E-120-290	NEW-P	00-06-063	132L- 20-070	REP	00-07-113
112- 10-070	NEW	00-05-036	132E-120-300	NEW-P	00-06-063	132L- 20-080	REP	00-07-113
112- 10-080	NEW	00-05-036	132E-120-310	NEW-P	00-06-063	132L- 20-130	REP	00-07-113
118- 03-330	REP	00-05-012	132E-120-320	NEW-P	00-06-063	132L- 20-135	REP	00-07-113
118- 06-010	REP	00-05-011	132E-120-330	NEW-P	00-06-063	132L- 20-140	REP	00-07-113
118- 06-020	REP	00-05-011	132E-120-340	NEW-P	00-06-063	132L- 22-020	REP	00-07-113
118- 06-030	REP	00-05-011	132E-120-350	NEW-P	00-06-063	132L- 22-060	REP	00-07-113
118- 06-040	REP	00-05-011	132E-120-360	NEW-P	00-06-063	132L- 22-070	REP	00-07-113
118- 06-050	REP	00-05-011	132E-120-370	NEW-P	00-06-063	132L- 22-080	REP	00-07-113
118- 06-060	REP	00-05-011	132E-120-380	NEW-P	00-06-063	132L- 24-010	REP	00-07-113
118- 06-070	REP	00-05-011	132E-120-390	NEW-P	00-06-063	132L- 24-020	REP	00-07-113
118- 06-080	REP	00-05-011	132E-120-400	NEW-P	00-06-063	132L- 24-030	REP	00-07-113
118- 07-010	REP	00-05-011	132E-120-410	NEW-P	00-06-063	132L- 24-090	REP	00-07-113
118- 07-020	REP	00-05-011	132E-121-010	AMD-P	00-06-063	132L- 25-010	REP	00-07-113
118- 07-030	REP	00-05-011	132E-121-010	DECOD-P	00-06-063	132L-120-010	AMD	00-07-113
118- 07-040	REP	00-05-011	132E-124-020	AMD-P	00-06-063	132L-120-015	NEW	00-07-113
118- 07-050	REP	00-05-011	132E-124-020	DECOD-P	00-06-063	132L-120-020	AMD	00-07-113
118- 07-060	REP	00-05-011	132G-276-010	AMD-P	00-02-074	132L-120-030	NEW	00-07-113
118- 08-010	REP	00-05-011	132G-276-010	AMD-S	00-06-074	132L-120-040	NEW	00-07-113
118- 08-020	REP	00-05-011	132G-276-010	AMD	00-10-048	132L-120-070	NEW	00-07-113
118- 08-030	REP	00-05-011	132G-276-020	AMD-P	00-02-074	132L-120-080	NEW	00-07-113
118- 08-040	REP	00-05-011	132G-276-020	AMD-S	00-06-074	132L-120-090	NEW	00-07-113
118- 08-050	REP	00-05-011	132G-276-020	AMD	00-10-048	132L-120-100	NEW	00-07-113
118- 08-060	REP	00-05-011	132G-276-030	REP-P	00-02-074	132L-120-110	NEW	00-07-113
118- 08-070	REP	00-05-011	132G-276-030	REP-S	00-06-074	132L-120-120	NEW	00-07-113
131- 16	PREP	00-08-029	132G-276-030	REP	00-10-048	132L-120-130	NEW	00-07-113
131- 16-021	AMD-E	00-09-050	132G-276-040	REP-P	00-02-074	132L-120-140	NEW	00-07-113
131- 16-021	AMD-P	00-10-099	132G-276-040	REP-S	00-06-074	132L-120-150	NEW	00-07-113
131- 16-021	AMD	00-14-017	132G-276-040	REP	00-10-048	132L-120-160	NEW	00-07-113
131- 16-031	AMD-E	00-09-050	132G-276-050	AMD-P	00-02-074	132L-120-170	NEW	00-07-113
131- 16-031	AMD-P	00-10-099	132G-276-050	AMD-S	00-06-074	132L-120-180	NEW	00-07-113
131- 16-031	AMD	00-14-017	132G-276-050	AMD	00-10-048	132L-120-190	NEW	00-07-113
131- 16-450	PREP	00-07-128	132G-276-060	AMD-P	00-02-074	132L-120-200	NEW	00-07-113
131- 16-450	AMD-E	00-14-016	132G-276-060	AMD-S	00-06-074	132L-120-210	NEW	00-07-113
131- 16-450	AMD-P	00-15-037	132G-276-060	AMD	00-10-048	132L-120-220	NEW	00-07-113
132E-120	PREP	00-02-082	132G-276-080	AMD-P	00-02-074	132N-156	PREP	00-10-043
132E-120	AMD-P	00-06-063	132G-276-080	AMD-S	00-06-074	132N-156-300	AMD-P	00-15-044
132E-120-010	DECOD-P	00-06-063	132G-276-080	AMD	00-10-048	132N-156-310	AMD-P	00-15-044
132E-120-020	AMD-P	00-06-063	132G-276-090	AMD-P	00-02-074	132N-156-320	AMD-P	00-15-044
132E-120-020	DECOD-P	00-06-063	132G-276-090	AMD-S	00-06-074	132N-156-330	AMD-P	00-15-044
132E-120-030	AMD-P	00-06-063	132G-276-090	AMD	00-10-048	132N-156-440	AMD-P	00-15-044
132E-120-030	DECOD-P	00-06-063	132G-276-100	AMD-P	00-02-074	132N-156-450	AMD-P	00-15-044
132E-120-040	AMD-P	00-06-063	132G-276-100	AMD-S	00-06-074	132N-156-500	AMD-P	00-15-044
132E-120-040	DECOD-P	00-06-063	132G-276-100	AMD	00-10-048	132N-156-530	AMD-P	00-15-044
132E-120-110	NEW-P	00-06-063	132G-276-110	AMD-P	00-02-074	132N-156-550	AMD-P	00-15-044
132E-120-120	NEW-P	00-06-063	132G-276-110	AMD-S	00-06-074	132N-156-570	AMD-P	00-15-044
132E-120-130	NEW-P	00-06-063	132G-276-110	AMD	00-10-048	132N-156-600	AMD-P	00-15-044
132E-120-140	NEW-P	00-06-063	132G-276-120	AMD-P	00-02-074	132N-156-620	AMD-P	00-15-044
132E-120-150	NEW-P	00-06-063	132G-276-120	AMD-S	00-06-074	132N-156-645	NEW-P	00-15-044
132E-120-160	RECOD-P	00-06-063	132G-276-120	AMD	00-10-048	132N-156-650	AMD-P	00-15-044
132E-120-170	RECOD-P	00-06-063	132G-276-130	AMD-P	00-02-074	132N-156-730	AMD-P	00-15-044
132E-120-180	RECOD-P	00-06-063	132G-276-130	AMD-S	00-06-074	132N-156-740	AMD-P	00-15-044
132E-120-190	RECOD-P	00-06-063	132G-276-130	AMD	00-10-048	132N-156-750	AMD-P	00-15-044

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132N-156-800	NEW-P	00-15-044	132Q- 04-190	AMD-P	00-08-075	132Q- 20-210	AMD-P	00-08-075
132N-156-810	NEW-P	00-15-044	132Q- 04-190	AMD	00-14-007	132Q- 20-210	AMD	00-14-007
132Q- 04-010	AMD-P	00-08-075	132Q- 04-200	AMD-P	00-08-075	132Q- 20-220	AMD-P	00-08-075
132Q- 04-010	AMD	00-14-007	132Q- 04-200	AMD	00-14-007	132Q- 20-220	AMD	00-14-007
132Q- 04-020	AMD-P	00-08-075	132Q- 04-210	AMD-P	00-08-075	132Q- 20-240	AMD-P	00-08-075
132Q- 04-020	AMD	00-14-007	132Q- 04-210	AMD	00-14-007	132Q- 20-240	AMD	00-14-007
132Q- 04-031	NEW-P	00-08-075	132Q- 04-240	AMD-P	00-08-075	132Q- 20-250	AMD-P	00-08-075
132Q- 04-031	NEW	00-14-007	132Q- 04-240	AMD	00-14-007	132Q- 20-250	AMD	00-14-007
132Q- 04-035	REP-P	00-08-075	132Q- 04-250	AMD-P	00-08-075	132Q- 20-260	AMD-P	00-08-075
132Q- 04-035	REP	00-14-007	132Q- 04-250	AMD	00-14-007	132Q- 20-260	AMD	00-14-007
132Q- 04-040	REP-P	00-08-075	132Q- 04-260	AMD-P	00-08-075	132Q- 20-270	AMD-P	00-08-075
132Q- 04-040	REP	00-14-007	132Q- 04-260	AMD	00-14-007	132Q- 20-270	AMD	00-14-007
132Q- 04-050	REP-P	00-08-075	132Q- 04-280	AMD-P	00-08-075	132Q- 94-010	AMD-P	00-08-075
132Q- 04-050	REP	00-14-007	132Q- 04-280	AMD	00-14-007	132Q- 94-010	AMD	00-14-007
132Q- 04-060	REP-P	00-08-075	132Q- 05-010	AMD-P	00-08-075	132Q- 94-020	AMD-P	00-08-075
132Q- 04-060	REP	00-14-007	132Q- 05-010	AMD	00-14-007	132Q- 94-020	AMD	00-14-007
132Q- 04-061	REP-P	00-08-075	132Q- 05-020	AMD-P	00-08-075	132Q- 94-030	AMD-P	00-08-075
132Q- 04-061	REP	00-14-007	132Q- 05-020	AMD	00-14-007	132Q- 94-030	AMD	00-14-007
132Q- 04-067	REP-P	00-08-075	132Q- 05-033	AMD-P	00-08-075	132Q- 94-125	AMD-P	00-08-075
132Q- 04-067	REP	00-14-007	132Q- 05-033	AMD	00-14-007	132Q- 94-125	AMD	00-14-007
132Q- 04-068	REP-P	00-08-075	132Q- 05-036	AMD-P	00-08-075	132Q- 94-150	AMD-P	00-08-075
132Q- 04-068	REP	00-14-007	132Q- 05-036	AMD	00-14-007	132Q- 94-150	AMD	00-14-007
132Q- 04-070	REP-P	00-08-075	132Q- 05-040	AMD-P	00-08-075	132S- 40-005	AMD-P	00-12-010
132Q- 04-070	REP	00-14-007	132Q- 05-040	AMD	00-14-007	132S- 40-010	REP-P	00-12-010
132Q- 04-075	REP-P	00-08-075	132Q- 05-050	AMD-P	00-08-075	132S- 40-015	REP-P	00-12-010
132Q- 04-075	REP	00-14-007	132Q- 05-050	AMD	00-14-007	132S- 40-020	REP-P	00-12-010
132Q- 04-076	AMD-P	00-08-075	132Q- 05-060	AMD-P	00-08-075	132S- 40-025	REP-P	00-12-010
132Q- 04-076	AMD	00-14-007	132Q- 05-060	AMD	00-14-007	132S- 40-030	REP-P	00-12-010
132Q- 04-080	REP-P	00-08-075	132Q- 05-070	AMD-P	00-08-075	132S- 40-035	REP-P	00-12-010
132Q- 04-080	REP	00-14-007	132Q- 05-070	AMD	00-14-007	132S- 40-040	REP-P	00-12-010
132Q- 04-081	REP-P	00-08-075	132Q- 05-080	AMD-P	00-08-075	132S- 40-045	REP-P	00-12-010
132Q- 04-081	REP	00-14-007	132Q- 05-080	AMD	00-14-007	132S- 40-046	REP-P	00-12-010
132Q- 04-082	REP-P	00-08-075	132Q- 05-090	AMD-P	00-08-075	132S- 40-055	REP-P	00-12-010
132Q- 04-082	REP	00-14-007	132Q- 05-090	AMD	00-14-007	132S- 40-060	REP-P	00-12-010
132Q- 04-083	REP-P	00-08-075	132Q- 05-100	AMD-P	00-08-075	132S- 40-065	REP-P	00-12-010
132Q- 04-083	REP	00-14-007	132Q- 05-100	AMD	00-14-007	132S- 40-070	REP-P	00-12-010
132Q- 04-085	REP-P	00-08-075	132Q- 20-010	AMD-P	00-08-075	132S- 40-075	REP-P	00-12-010
132Q- 04-085	REP	00-14-007	132Q- 20-010	AMD	00-14-007	132S- 40-080	REP-P	00-12-010
132Q- 04-090	REP-P	00-08-075	132Q- 20-020	AMD-P	00-08-075	132S- 40-140	REP-P	00-12-010
132Q- 04-090	REP	00-14-007	132Q- 20-020	AMD	00-14-007	132S- 40-145	REP-P	00-12-010
132Q- 04-094	REP-P	00-08-075	132Q- 20-040	AMD-P	00-08-075	132S- 40-150	REP-P	00-12-010
132Q- 04-094	REP	00-14-007	132Q- 20-040	AMD	00-14-007	132S- 40-155	REP-P	00-12-010
132Q- 04-095	REP-P	00-08-075	132Q- 20-060	AMD-P	00-08-075	132S- 40-160	NEW-P	00-12-010
132Q- 04-095	REP	00-14-007	132Q- 20-060	AMD	00-14-007	132S- 40-165	NEW-P	00-12-010
132Q- 04-096	REP-P	00-08-075	132Q- 20-080	AMD-P	00-08-075	132S- 40-170	NEW-P	00-12-010
132Q- 04-096	REP	00-14-007	132Q- 20-080	AMD	00-14-007	132S- 40-175	NEW-P	00-12-010
132Q- 04-100	AMD-P	00-08-075	132Q- 20-090	AMD-P	00-08-075	132S- 40-180	NEW-P	00-12-010
132Q- 04-100	AMD	00-14-007	132Q- 20-090	AMD	00-14-007	132S- 40-185	NEW-P	00-12-010
132Q- 04-110	AMD-P	00-08-075	132Q- 20-110	AMD-P	00-08-075	132S- 40-190	NEW-P	00-12-010
132Q- 04-110	AMD	00-14-007	132Q- 20-110	AMD	00-14-007	132S- 40-195	NEW-P	00-12-010
132Q- 04-120	AMD-P	00-08-075	132Q- 20-130	AMD-P	00-08-075	132S- 40-200	NEW-P	00-12-010
132Q- 04-120	AMD	00-14-007	132Q- 20-130	AMD	00-14-007	132S- 40-210	NEW-P	00-12-010
132Q- 04-130	AMD-P	00-08-075	132Q- 20-150	AMD-P	00-08-075	132X- 10-010	AMD	00-05-023
132Q- 04-130	AMD	00-14-007	132Q- 20-150	AMD	00-14-007	132X- 10-030	AMD	00-05-023
132Q- 04-140	AMD-P	00-08-075	132Q- 20-160	AMD-P	00-08-075	132X- 10-050	AMD	00-05-023
132Q- 04-140	AMD	00-14-007	132Q- 20-160	AMD	00-14-007	132X- 10-060	AMD	00-05-023
132Q- 04-150	AMD-P	00-08-075	132Q- 20-170	AMD-P	00-08-075	132X- 10-080	AMD	00-05-023
132Q- 04-150	AMD	00-14-007	132Q- 20-170	AMD	00-14-007	132X- 10-100	AMD	00-05-023
132Q- 04-170	AMD-P	00-08-075	132Q- 20-180	AMD-P	00-08-075	132X- 10-110	AMD	00-05-023
132Q- 04-170	AMD	00-14-007	132Q- 20-180	AMD	00-14-007	132X- 20-010	REP	00-05-022
132Q- 04-180	AMD-P	00-08-075	132Q- 20-200	AMD-P	00-08-075	132X- 20-020	REP	00-05-022
132Q- 04-180	AMD	00-14-007	132Q- 20-200	AMD	00-14-007	132X- 20-030	REP	00-05-022

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132X-20-040	REP	00-05-022	132Z-112-050	NEW-P	00-07-121	137-32-015	AMD	00-09-063
132X-20-050	REP	00-05-022	132Z-115-010	NEW-P	00-07-121	137-32-020	AMD	00-09-063
132X-20-060	REP	00-05-022	132Z-115-020	NEW-P	00-07-121	137-32-025	AMD	00-09-063
132X-20-070	REP	00-05-022	132Z-115-030	NEW-P	00-07-121	137-32-030	AMD	00-09-063
132X-20-080	REP	00-05-022	132Z-115-040	NEW-P	00-07-121	137-32-035	AMD	00-09-063
132X-20-090	REP	00-05-022	132Z-115-050	NEW-P	00-07-121	137-32-045	AMD	00-09-063
132X-20-100	REP	00-05-022	132Z-115-060	NEW-P	00-07-121	137-125-005	NEW-E	00-05-044
132X-20-110	REP	00-05-022	132Z-115-070	NEW-P	00-07-121	137-125-010	NEW-E	00-05-044
132X-20-120	REP	00-05-022	132Z-115-080	NEW-P	00-07-121	137-125-015	NEW-E	00-05-044
132X-20-130	REP	00-05-022	132Z-115-090	NEW-P	00-07-121	137-125-040	NEW-E	00-05-044
132X-30-040	AMD	00-05-023	132Z-115-100	NEW-P	00-07-121	137-125-042	NEW-E	00-05-044
132X-40-020	AMD	00-05-023	132Z-115-110	NEW-P	00-07-121	137-125-044	NEW-E	00-05-044
132X-50-020	AMD	00-05-023	132Z-115-120	NEW-P	00-07-121	137-125-046	NEW-E	00-05-044
132X-50-030	AMD	00-05-023	132Z-115-130	NEW-P	00-07-121	137-125-048	NEW-E	00-05-044
132X-50-040	AMD	00-05-023	132Z-115-140	NEW-P	00-07-121	137-125-052	NEW-E	00-05-044
132X-50-050	AMD	00-05-023	132Z-115-150	NEW-P	00-07-121	137-125-054	NEW-E	00-05-044
132X-50-060	AMD	00-05-023	132Z-115-160	NEW-P	00-07-121	137-125-060	NEW-E	00-05-044
132X-50-080	AMD	00-05-023	132Z-115-170	NEW-P	00-07-121	137-125-070	NEW-E	00-05-044
132X-50-110	AMD	00-05-023	132Z-115-180	NEW-P	00-07-121	137-125-072	NEW-E	00-05-044
132X-50-120	AMD	00-05-023	132Z-115-190	NEW-P	00-07-121	137-125-076	NEW-E	00-05-044
132X-50-130	AMD	00-05-023	132Z-115-200	NEW-P	00-07-121	137-125-078	NEW-E	00-05-044
132X-50-140	AMD	00-05-023	132Z-115-210	NEW-P	00-07-121	137-125-090	NEW-E	00-05-044
132X-50-150	AMD	00-05-023	132Z-115-220	NEW-P	00-07-121	137-125-095	NEW-E	00-05-044
132X-50-160	AMD	00-05-023	132Z-115-230	NEW-P	00-07-121	137-125-100	NEW-E	00-05-044
132X-50-170	AMD	00-05-023	136-10-035	NEW-P	00-12-003	137-125-105	NEW-E	00-05-044
132X-50-180	AMD	00-05-023	136-150-022	AMD-P	00-12-004	137-125-110	NEW-E	00-05-044
132X-50-190	AMD	00-05-023	136-167-020	AMD	00-05-043	137-125-115	NEW-E	00-05-044
132X-50-210	AMD	00-05-023	136-167-030	AMD	00-05-043	137-125-120	NEW-E	00-05-044
132X-50-230	AMD	00-05-023	137-28	PREP	00-02-070	137-125-125	NEW-E	00-05-044
132X-50-240	AMD	00-05-023	137-28-140	AMD-P	00-07-048	137-125-130	NEW-E	00-05-044
132X-50-260	AMD	00-05-023	137-28-140	AMD	00-10-079	137-125-135	NEW-E	00-05-044
132X-50-270	AMD	00-05-023	137-28-160	AMD-P	00-07-048	137-125-140	NEW-E	00-05-044
132X-50-280	AMD	00-05-023	137-28-160	AMD	00-10-079	137-125-195	NEW-E	00-05-044
132X-60-010	AMD	00-05-023	137-28-170	AMD-P	00-07-048	137-130-005	NEW-E	00-05-045
132X-60-015	NEW	00-05-023	137-28-170	AMD	00-10-079	137-130-010	NEW-E	00-05-045
132X-60-020	AMD	00-05-023	137-28-185	NEW-P	00-07-048	137-130-020	NEW-E	00-05-045
132X-60-035	NEW	00-05-023	137-28-185	NEW	00-10-079	137-130-030	NEW-E	00-05-045
132X-60-037	NEW	00-05-023	137-28-220	AMD-P	00-07-048	137-130-040	NEW-E	00-05-045
132X-60-040	AMD	00-05-023	137-28-220	AMD	00-10-079	137-130-050	NEW-E	00-05-045
132X-60-045	NEW	00-05-023	137-28-230	AMD-P	00-07-048	137-130-060	NEW-E	00-05-045
132X-60-046	NEW	00-05-023	137-28-230	AMD	00-10-079	137-130-070	NEW-E	00-05-045
132X-60-050	AMD	00-05-023	137-28-260	AMD-P	00-07-048	137-130-080	NEW-E	00-05-045
132X-60-060	AMD	00-05-023	137-28-260	AMD	00-10-079	137-130-090	NEW-E	00-05-045
132X-60-065	NEW	00-05-023	137-28-270	AMD-P	00-07-048	137-130-100	NEW-E	00-05-045
132X-60-075	NEW	00-05-023	137-28-270	AMD	00-10-079	137-130-110	NEW-E	00-05-045
132X-60-080	AMD	00-05-023	137-28-290	AMD-P	00-07-048	137-130-120	NEW-E	00-05-045
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132X-60-100	AMD	00-05-023	137-28-300	AMD-P	00-07-048	137-130-140	NEW-E	00-05-045
132X-60-110	AMD	00-05-023	137-28-300	AMD	00-10-079	137-130-150	NEW-E	00-05-045
132X-60-120	AMD	00-05-023	137-28-310	AMD-P	00-07-048	139-01	PREP	00-04-048
132X-60-130	AMD	00-05-023	137-28-310	AMD	00-10-079	139-01-100	AMD-P	00-07-097
132X-60-140	AMD	00-05-023	137-28-320	REP-P	00-07-048	139-01-110	REP-P	00-07-097
132X-60-150	AMD	00-05-023	137-28-320	REP	00-10-079	139-01-320	REP-P	00-07-097
132X-60-160	AMD	00-05-023	137-28-350	AMD-P	00-07-048	139-01-330	REP-P	00-07-097
132X-60-170	AMD	00-05-023	137-28-350	AMD	00-10-079	139-01-410	REP-P	00-07-097
132X-60-178	NEW	00-05-023	137-28-380	AMD-P	00-07-048	139-01-415	REP-P	00-07-097
132X-60-180	AMD	00-05-023	137-28-380	AMD	00-10-079	139-01-420	REP-P	00-07-097
132Z-104-010	REP-XR	00-11-018	137-28-420	AMD-P	00-07-048	139-01-425	REP-P	00-07-097
132Z-112-010	NEW-P	00-07-121	137-28-420	AMD	00-10-079	139-01-430	REP-P	00-07-097
132Z-112-020	NEW-P	00-07-121	137-32-002	AMD	00-09-063	139-01-435	REP-P	00-07-097
132Z-112-030	NEW-P	00-07-121	137-32-005	AMD	00-09-063	139-01-440	REP-P	00-07-097
132Z-112-040	NEW-P	00-07-121	137-32-010	AMD	00-09-063	139-01-445	REP-P	00-07-097

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139- 01-455	REP-P	00-07-097	139- 10	PREP	00-04-048	173- 26-250	NEW-P	00-11-175
139- 01-460	REP-P	00-07-097	139- 10-210	AMD-P	00-07-097	173- 26-270	NEW-P	00-11-175
139- 01-465	REP-P	00-07-097	139- 10-212	AMD-P	00-07-097	173- 26-280	NEW-P	00-11-175
139- 01-470	REP-P	00-07-097	139- 10-215	AMD-P	00-07-097	173- 26-290	NEW-P	00-11-175
139- 01-475	REP-P	00-07-097	139- 10-220	AMD-P	00-07-097	173- 26-300	NEW-P	00-11-175
139- 01-510	REP-P	00-07-097	139- 10-221	NEW-P	00-07-097	173- 26-310	NEW-P	00-11-175
139- 01-515	REP-P	00-07-097	139- 10-222	AMD-P	00-07-097	173- 26-320	NEW-P	00-11-175
139- 01-520	REP-P	00-07-097	139- 10-230	AMD-P	00-07-097	173- 26-330	NEW-P	00-11-175
139- 01-525	REP-P	00-07-097	139- 10-235	AMD-P	00-07-097	173- 26-340	NEW-P	00-11-175
139- 01-530	REP-P	00-07-097	139- 10-236	NEW-P	00-07-097	173- 26-350	NEW-P	00-11-175
139- 01-535	REP-P	00-07-097	139- 10-237	AMD-P	00-07-097	173- 26-360	NEW-P	00-11-175
139- 01-540	REP-P	00-07-097	139- 10-240	AMD-P	00-07-097	173- 95A	PREP	00-11-031
139- 01-545	REP-P	00-07-097	139- 10-310	AMD-P	00-07-097	173- 98	PREP	00-11-032
139- 01-550	REP-P	00-07-097	139- 10-320	AMD-P	00-07-097	173- 98-030	AMD-XA	00-04-085
139- 01-555	REP-P	00-07-097	139- 10-410	AMD-P	00-07-097	173- 98-030	AMD	00-09-010
139- 01-560	REP-P	00-07-097	139- 10-420	AMD-P	00-07-097	173-145-010	AMD-XA	00-11-065
139- 01-565	REP-P	00-07-097	139- 10-510	AMD-P	00-07-097	173-145-010	AMD-W	00-16-058
139- 01-570	REP-P	00-07-097	139- 10-520	AMD-P	00-07-097	173-145-020	AMD-XA	00-11-065
139- 01-575	REP-P	00-07-097	139- 25	PREP	00-04-048	173-145-020	AMD-W	00-16-058
139- 01-610	REP-P	00-07-097	139- 25-110	AMD-P	00-07-097	173-145-030	AMD-XA	00-11-065
139- 01-615	REP-P	00-07-097	173- 15-010	AMD-XA	00-11-066	173-145-030	AMD-W	00-16-058
139- 01-620	REP-P	00-07-097	173- 15-010	AMD	00-16-080	173-145-040	AMD-XA	00-11-065
139- 01-625	REP-P	00-07-097	173- 15-020	AMD-XA	00-11-066	173-145-040	AMD-W	00-16-058
139- 01-630	REP-P	00-07-097	173- 15-020	AMD	00-16-080	173-145-050	AMD-XA	00-11-065
139- 01-710	REP-P	00-07-097	173- 15-030	AMD-XA	00-11-066	173-145-050	AMD-W	00-16-058
139- 01-715	REP-P	00-07-097	173- 15-030	AMD	00-16-080	173-145-060	AMD-XA	00-11-065
139- 01-720	REP-P	00-07-097	173- 16-010	REP-P	00-11-175	173-145-060	AMD-W	00-16-058
139- 01-725	REP-P	00-07-097	173- 16-020	REP-P	00-11-175	173-145-070	AMD-XA	00-11-065
139- 01-730	REP-P	00-07-097	173- 16-030	REP-P	00-11-175	173-145-070	AMD-W	00-16-058
139- 01-735	REP-P	00-07-097	173- 16-040	REP-P	00-11-175	173-145-080	AMD-XA	00-11-065
139- 01-810	REP-P	00-07-097	173- 16-050	REP-P	00-11-175	173-145-080	AMD-W	00-16-058
139- 01-820	REP-P	00-07-097	173- 16-060	REP-P	00-11-175	173-145-090	AMD-XA	00-11-065
139- 02-010	NEW-P	00-07-097	173- 16-064	REP-P	00-11-175	173-145-090	AMD-W	00-16-058
139- 02-020	NEW-P	00-07-097	173- 16-070	REP-P	00-11-175	173-145-100	AMD-XA	00-11-065
139- 02-030	NEW-P	00-07-097	173- 16-200	REP-P	00-11-175	173-145-100	AMD-W	00-16-058
139- 02-040	NEW-P	00-07-097	173- 24-010	AMD-XA	00-14-032	173-145-110	AMD-XA	00-11-065
139- 02-050	NEW-P	00-07-097	173- 24-020	AMD-XA	00-14-032	173-145-110	AMD-W	00-16-058
139- 02-060	NEW-P	00-07-097	173- 24-030	AMD-XA	00-14-032	173-145-120	AMD-XA	00-11-065
139- 02-070	NEW-P	00-07-097	173- 24-040	AMD-XA	00-14-032	173-145-120	AMD-W	00-16-058
139- 02-080	NEW-P	00-07-097	173- 24-050	AMD-XA	00-14-032	173-145-130	AMD-XA	00-11-065
139- 02-090	NEW-P	00-07-097	173- 24-060	AMD-XA	00-14-032	173-145-130	AMD-W	00-16-058
139- 02-100	NEW-P	00-07-097	173- 24-070	AMD-XA	00-14-032	173-145-155	AMD-XA	00-11-065
139- 02-110	NEW-P	00-07-097	173- 24-080	AMD-XA	00-14-032	173-145-155	AMD-W	00-16-058
139- 03-010	NEW-P	00-07-097	173- 24-090	AMD-XA	00-14-032	173-181	PREP	00-05-096
139- 03-020	NEW-P	00-07-097	173- 24-100	AMD-XA	00-14-032	173-202-010	REP-XR	00-06-038
139- 03-030	NEW-P	00-07-097	173- 24-110	AMD-XA	00-14-032	173-202-010	REP	00-11-005
139- 03-040	NEW-P	00-07-097	173- 24-120	AMD-XA	00-14-032	173-202-020	REP-XR	00-06-038
139- 03-050	NEW-P	00-07-097	173- 24-125	AMD-XA	00-14-032	173-202-020	REP	00-11-005
139- 03-060	NEW-P	00-07-097	173- 24-130	AMD-XA	00-14-032	173-224-040	AMD-XA	00-07-112
139- 03-070	NEW-P	00-07-097	173- 24-140	AMD-XA	00-14-032	173-224-040	AMD	00-13-010
139- 03-080	NEW-P	00-07-097	173- 24-150	AMD-XA	00-14-032	173-240-020	AMD-XA	00-10-054
139- 05	PREP	00-04-048	173- 26-010	AMD-P	00-11-175	173-240-020	AMD	00-15-021
139- 05-200	AMD-P	00-07-097	173- 26-020	AMD-P	00-11-175	173-240-030	AMD-XA	00-10-054
139- 05-210	AMD-P	00-07-097	173- 26-105	NEW-P	00-11-175	173-240-030	AMD	00-15-021
139- 05-220	AMD-P	00-07-097	173- 26-170	NEW-P	00-11-175	173-240-035	AMD-XA	00-10-054
139- 05-230	AMD-P	00-07-097	173- 26-180	NEW-P	00-11-175	173-240-035	AMD	00-15-021
139- 05-240	AMD-P	00-07-097	173- 26-190	NEW-P	00-11-175	173-240-040	AMD-XA	00-10-054
139- 05-242	AMD-P	00-07-097	173- 26-200	NEW-P	00-11-175	173-240-040	AMD	00-15-021
139- 05-250	AMD-P	00-07-097	173- 26-210	NEW-P	00-11-175	173-240-050	AMD-XA	00-10-054
139- 05-810	AMD-P	00-07-097	173- 26-220	NEW-P	00-11-175	173-240-050	AMD	00-15-021
139- 05-912	AMD-P	00-07-097	173- 26-230	NEW-P	00-11-175	173-240-060	AMD-XA	00-10-054

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173-240-070	AMD-XA	00-10-054	173-300-080	AMD-XA	00-13-021	173-303-380	AMD-P	00-02-081
173-240-070	AMD	00-15-021	173-300-090	AMD-XA	00-13-021	173-303-380	AMD	00-11-040
173-240-075	AMD-XA	00-10-054	173-300-100	AMD-XA	00-13-021	173-303-390	AMD-P	00-02-081
173-240-075	AMD	00-15-021	173-300-110	AMD-XA	00-13-021	173-303-390	AMD	00-11-040
173-240-080	AMD-XA	00-10-054	173-300-120	AMD-XA	00-13-021	173-303-400	AMD-P	00-02-081
173-240-080	AMD	00-15-021	173-300-130	AMD-XA	00-13-021	173-303-400	AMD	00-11-040
173-240-090	AMD-XA	00-10-054	173-300-140	AMD-XA	00-13-021	173-303-505	AMD-P	00-02-081
173-240-090	AMD	00-15-021	173-300-150	AMD-XA	00-13-021	173-303-505	AMD	00-11-040
173-240-095	AMD-XA	00-10-054	173-300-160	AMD-XA	00-13-021	173-303-510	AMD-P	00-02-081
173-240-095	AMD	00-15-021	173-300-170	AMD-XA	00-13-021	173-303-510	AMD	00-11-040
173-240-100	AMD-XA	00-10-054	173-300-180	AMD-XA	00-13-021	173-303-515	AMD-P	00-02-081
173-240-100	AMD	00-15-021	173-303	AMD-C	00-11-039	173-303-515	AMD	00-11-040
173-240-104	AMD-XA	00-10-054	173-303-010	AMD-P	00-02-081	173-303-520	AMD-P	00-02-081
173-240-104	AMD	00-15-021	173-303-010	AMD	00-11-040	173-303-520	AMD	00-11-040
173-240-110	AMD-XA	00-10-054	173-303-016	AMD-P	00-02-081	173-303-522	AMD-P	00-02-081
173-240-110	AMD	00-15-021	173-303-016	AMD	00-11-040	173-303-522	AMD	00-11-040
173-240-120	AMD-XA	00-10-054	173-303-040	AMD-P	00-02-081	173-303-573	AMD-P	00-02-081
173-240-120	AMD	00-15-021	173-303-040	AMD	00-11-040	173-303-573	AMD	00-11-040
173-240-130	AMD-XA	00-10-054	173-303-045	AMD-P	00-02-081	173-303-578	NEW-P	00-02-081
173-240-130	AMD	00-15-021	173-303-045	AMD	00-11-040	173-303-578	NEW	00-11-040
173-240-140	AMD-XA	00-10-054	173-303-060	AMD-P	00-02-081	173-303-600	AMD-P	00-02-081
173-240-140	AMD	00-15-021	173-303-060	AMD	00-11-040	173-303-600	AMD	00-11-040
173-240-150	AMD-XA	00-10-054	173-303-070	AMD-P	00-02-081	173-303-610	AMD-P	00-02-081
173-240-150	AMD	00-15-021	173-303-070	AMD	00-11-040	173-303-610	AMD	00-11-040
173-240-160	AMD-XA	00-10-054	173-303-071	AMD-P	00-02-081	173-303-620	AMD-P	00-02-081
173-240-160	AMD	00-15-021	173-303-071	AMD	00-11-040	173-303-620	AMD	00-11-040
173-240-170	AMD-XA	00-10-054	173-303-073	AMD-P	00-02-081	173-303-630	AMD-P	00-02-081
173-240-170	AMD	00-15-021	173-303-073	AMD	00-11-040	173-303-630	AMD	00-11-040
173-240-180	AMD-XA	00-10-054	173-303-077	AMD-P	00-02-081	173-303-640	AMD-P	00-02-081
173-240-180	AMD	00-15-021	173-303-077	AMD	00-11-040	173-303-640	AMD	00-11-040
173-245-010	AMD-XA	00-09-025	173-303-100	AMD-P	00-02-081	173-303-645	AMD-P	00-02-081
173-245-010	AMD	00-15-019	173-303-100	AMD	00-11-040	173-303-645	AMD	00-11-040
173-245-015	AMD-XA	00-09-025	173-303-110	AMD-P	00-02-081	173-303-646	AMD-P	00-02-081
173-245-015	AMD	00-15-019	173-303-110	AMD	00-11-040	173-303-646	AMD	00-11-040
173-245-020	AMD-XA	00-09-025	173-303-120	AMD-P	00-02-081	173-303-650	AMD-P	00-02-081
173-245-020	AMD	00-15-019	173-303-120	AMD	00-11-040	173-303-650	AMD	00-11-040
173-245-030	AMD-XA	00-09-025	173-303-160	AMD-P	00-02-081	173-303-680	AMD-P	00-02-081
173-245-030	AMD	00-15-019	173-303-160	AMD	00-11-040	173-303-680	AMD	00-11-040
173-245-040	AMD-XA	00-09-025	173-303-170	AMD-P	00-02-081	173-303-680	AMD	00-11-040
173-245-040	AMD	00-15-019	173-303-170	AMD	00-11-040	173-303-690	AMD-P	00-02-081
173-245-050	AMD-XA	00-09-025	173-303-180	AMD-P	00-02-081	173-303-690	AMD	00-11-040
173-245-050	AMD	00-15-019	173-303-180	AMD	00-11-040	173-303-691	AMD-P	00-02-081
173-245-055	AMD-XA	00-09-025	173-303-190	AMD-P	00-02-081	173-303-691	AMD	00-11-040
173-245-055	AMD	00-15-019	173-303-190	AMD	00-11-040	173-303-692	NEW-P	00-02-081
173-245-060	AMD-XA	00-09-025	173-303-200	AMD-P	00-02-081	173-303-692	NEW	00-11-040
173-245-060	AMD	00-15-019	173-303-200	AMD	00-11-040	173-303-693	NEW-P	00-02-081
173-245-070	AMD-XA	00-09-025	173-303-201	AMD-P	00-02-081	173-303-693	NEW	00-11-040
173-245-070	AMD	00-15-019	173-303-201	AMD	00-11-040	173-303-800	AMD-P	00-02-081
173-245-075	AMD-XA	00-09-025	173-303-240	AMD-P	00-02-081	173-303-800	AMD	00-11-040
173-245-075	AMD	00-15-019	173-303-240	AMD	00-11-040	173-303-803	NEW-P	00-02-081
173-245-080	AMD-XA	00-09-025	173-303-280	AMD-P	00-02-081	173-303-803	NEW	00-11-040
173-245-080	AMD	00-15-019	173-303-280	AMD	00-11-040	173-303-804	AMD-P	00-02-081
173-245-084	AMD-XA	00-09-025	173-303-281	AMD-P	00-02-081	173-303-804	AMD	00-11-040
173-245-084	AMD	00-15-019	173-303-281	AMD	00-11-040	173-303-805	AMD-P	00-02-081
173-245-090	AMD-XA	00-09-025	173-303-300	AMD-P	00-02-081	173-303-805	AMD	00-11-040
173-245-090	AMD	00-15-019	173-303-300	AMD	00-11-040	173-303-806	AMD-P	00-02-081
173-300-010	AMD-XA	00-13-021	173-303-320	AMD-P	00-02-081	173-303-806	AMD	00-11-040
173-300-020	AMD-XA	00-13-021	173-303-320	AMD	00-11-040	173-303-807	AMD-P	00-02-081
173-300-030	AMD-XA	00-13-021	173-303-360	AMD-P	00-02-081	173-303-807	AMD	00-11-040
173-300-050	AMD-XA	00-13-021	173-303-360	AMD	00-11-040	173-303-810	AMD-P	00-02-081
173-300-060	AMD-XA	00-13-021	173-303-370	AMD-P	00-02-081	173-303-810	AMD	00-11-040
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173-303-830	AMD	00-11-040	173-307-040	AMD-XA	00-10-052	173-322-060	AMD-W	00-09-083
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173-303-840	AMD	00-11-040	173-307-050	AMD-XA	00-10-052	173-322-070	AMD-W	00-09-083
173-303-9904	AMD-P	00-02-081	173-307-050	AMD	00-15-020	173-322-070	AMD-P	00-16-135
173-303-9904	AMD	00-11-040	173-307-060	AMD-XA	00-10-052	173-322-090	AMD-W	00-09-083
173-303-9907	AMD-P	00-02-081	173-307-060	AMD	00-15-020	173-322-090	AMD-P	00-16-135
173-303-9907	AMD	00-11-040	173-307-070	AMD-XA	00-10-052	173-322-100	AMD-W	00-09-083
173-305-010	AMD-XA	00-10-053	173-307-070	AMD	00-15-020	173-322-100	AMD-P	00-16-135
173-305-010	AMD	00-16-103	173-307-080	AMD-XA	00-10-052	173-322-110	AMD-W	00-09-083
173-305-015	AMD-XA	00-10-053	173-307-080	AMD	00-15-020	173-322-110	AMD-P	00-16-135
173-305-015	AMD	00-16-103	173-307-090	AMD-XA	00-10-052	173-322-120	AMD-W	00-09-083
173-305-020	AMD-XA	00-10-053	173-307-090	AMD	00-15-020	173-322-120	AMD-P	00-16-135
173-305-020	AMD	00-16-103	173-307-100	AMD-XA	00-10-052	173-340-100	AMD-W	00-09-083
173-305-040	AMD-XA	00-10-053	173-307-100	AMD	00-15-020	173-340-100	AMD-P	00-16-135
173-305-040	AMD	00-16-103	173-307-110	AMD-XA	00-10-052	173-340-120	AMD-W	00-09-083
173-305-050	AMD-XA	00-10-053	173-307-110	AMD	00-15-020	173-340-120	AMD-P	00-16-135
173-305-050	AMD	00-16-103	173-307-130	AMD-XA	00-10-052	173-340-130	AMD-W	00-09-083
173-305-110	AMD-XA	00-10-053	173-307-130	AMD	00-15-020	173-340-130	AMD-P	00-16-135
173-305-110	AMD	00-16-103	173-307-140	AMD-XA	00-10-052	173-340-140	AMD-W	00-09-083
173-305-120	AMD-XA	00-10-053	173-307-140	AMD	00-15-020	173-340-140	AMD-P	00-16-135
173-305-120	AMD	00-16-103	173-307-140	AMD	00-15-020	173-340-140	AMD-P	00-16-135
173-305-210	AMD-XA	00-10-053	173-310-010	AMD-XA	00-13-023	173-340-200	AMD-W	00-09-083
173-305-210	AMD	00-16-103	173-310-020	AMD-XA	00-13-023	173-340-200	AMD-P	00-16-135
173-305-220	AMD-XA	00-10-053	173-310-030	AMD-XA	00-13-023	173-340-210	AMD-W	00-09-083
173-305-220	AMD	00-16-103	173-310-040	AMD-XA	00-13-023	173-340-210	AMD-P	00-16-135
173-305-230	AMD-XA	00-10-053	173-310-050	AMD-XA	00-13-023	173-340-300	AMD-W	00-09-083
173-305-230	AMD	00-16-103	173-310-060	AMD-XA	00-13-023	173-340-300	AMD-P	00-16-135
173-305-240	AMD-XA	00-10-053	173-310-070	AMD-XA	00-13-023	173-340-310	AMD-W	00-09-083
173-305-240	AMD	00-16-103	173-310-080	AMD-XA	00-13-023	173-340-310	AMD-P	00-16-135
173-306-010	AMD-XA	00-13-022	173-310-090	AMD-XA	00-13-023	173-340-320	AMD-W	00-09-083
173-306-050	AMD-XA	00-13-022	173-310-100	AMD-XA	00-13-023	173-340-320	AMD-P	00-16-135
173-306-100	AMD-XA	00-13-022	173-312-010	AMD-XA	00-13-024	173-340-330	AMD-W	00-09-083
173-306-150	AMD-XA	00-13-022	173-312-020	AMD-XA	00-13-024	173-340-330	AMD-P	00-16-135
173-306-200	AMD-XA	00-13-022	173-312-030	AMD-XA	00-13-024	173-340-340	AMD-W	00-09-083
173-306-300	AMD-XA	00-13-022	173-312-040	AMD-XA	00-13-024	173-340-340	AMD-P	00-16-135
173-306-310	AMD-XA	00-13-022	173-312-050	AMD-XA	00-13-024	173-340-350	AMD-W	00-09-083
173-306-320	AMD-XA	00-13-022	173-312-060	AMD-XA	00-13-024	173-340-350	AMD-P	00-16-135
173-306-330	AMD-XA	00-13-022	173-312-080	AMD-XA	00-13-024	173-340-355	NEW-P	00-16-135
173-306-340	AMD-XA	00-13-022	173-312-090	AMD-XA	00-13-024	173-340-357	NEW-P	00-16-135
173-306-345	AMD-XA	00-13-022	173-312-100	AMD-XA	00-13-024	173-340-360	AMD-W	00-09-083
173-306-350	AMD-XA	00-13-022	173-321-010	AMD-W	00-09-083	173-340-360	AMD-P	00-16-135
173-306-400	AMD-XA	00-13-022	173-321-010	AMD-P	00-16-135	173-340-370	NEW-W	00-09-083
173-306-405	AMD-XA	00-13-022	173-321-020	AMD-W	00-09-083	173-340-370	NEW-P	00-16-135
173-306-410	AMD-XA	00-13-022	173-321-020	AMD-P	00-16-135	173-340-380	NEW-W	00-09-083
173-306-440	AMD-XA	00-13-022	173-321-040	AMD-W	00-09-083	173-340-380	NEW-P	00-16-135
173-306-450	AMD-XA	00-13-022	173-321-040	AMD-P	00-16-135	173-340-390	NEW-W	00-09-083
173-306-470	AMD-XA	00-13-022	173-321-050	AMD-W	00-09-083	173-340-390	NEW-P	00-16-135
173-306-480	AMD-XA	00-13-022	173-321-050	AMD-P	00-16-135	173-340-400	AMD-W	00-09-083
173-306-490	AMD-XA	00-13-022	173-321-060	AMD-W	00-09-083	173-340-400	AMD-P	00-16-135
173-306-495	AMD-XA	00-13-022	173-321-060	AMD-P	00-16-135	173-340-410	AMD-W	00-09-083
173-306-500	AMD-XA	00-13-022	173-321-070	AMD-P	00-16-135	173-340-410	AMD-P	00-16-135
173-306-900	AMD-XA	00-13-022	173-321-080	AMD-W	00-09-083	173-340-420	AMD-W	00-09-083
173-306-9901	AMD-XA	00-13-022	173-321-080	AMD-P	00-16-135	173-340-420	AMD-P	00-16-135
173-307	AMD	00-15-020	173-322	AMD-W	00-09-083	173-340-430	AMD-W	00-09-083
173-307-010	AMD-XA	00-10-052	173-322	AMD-P	00-16-135	173-340-430	AMD-P	00-16-135
173-307-010	AMD	00-15-020	173-322-020	AMD-W	00-09-083	173-340-440	AMD-W	00-09-083
173-307-015	AMD-XA	00-10-052	173-322-020	AMD-P	00-16-135	173-340-440	AMD-P	00-16-135
173-307-015	AMD	00-15-020	173-322-030	AMD-W	00-09-083	173-340-450	AMD-W	00-09-083
173-307-020	AMD-XA	00-10-052	173-322-030	AMD-P	00-16-135	173-340-450	AMD-P	00-16-135
173-307-020	AMD	00-15-020	173-322-040	AMD-W	00-09-083	173-340-510	AMD-W	00-09-083
173-307-030	AMD-XA	00-10-052	173-322-040	AMD-P	00-16-135	173-340-510	AMD-P	00-16-135
173-307-030	AMD	00-15-020	173-322-050	AMD-W	00-09-083	173-340-515	NEW-W	00-09-083
			173-322-050	AMD-P	00-16-135	173-340-515	NEW-P	00-16-135

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173-340-520	AMD-W	00-09-083	173-340-850	AMD-W	00-09-083	180- 51-075	AMD-P	00-10-081
173-340-520	AMD-P	00-16-135	173-340-850	AMD-P	00-16-135	180- 51-075	AMD-P	00-15-095
173-340-530	AMD-W	00-09-083	173-340-900	NEW-P	00-16-135	180- 51-080	REP-P	00-15-092
173-340-530	AMD-P	00-16-135	173-340-990	NEW-W	00-09-083	180- 51-085	AMD-P	00-15-092
173-340-545	NEW-W	00-09-083	173-422-031	NEW-XA	00-16-079	180- 51-100	AMD-P	00-15-092
173-340-545	NEW-P	00-16-135	173-422-170	AMD-XA	00-16-079	180- 51-105	AMD-P	00-15-092
173-340-550	AMD-W	00-09-083	173-425	AMD	00-07-066	180- 51-110	AMD-P	00-15-092
173-340-550	AMD-P	00-16-135	173-425-010	AMD	00-07-066	180- 51-115	AMD-P	00-15-092
173-340-600	AMD-W	00-09-083	173-425-020	AMD	00-07-066	180- 52-041	NEW	00-03-046
173-340-600	AMD-P	00-16-135	173-425-030	AMD	00-07-066	180- 56-230	PREP	00-07-046
173-340-610	AMD-W	00-09-083	173-425-040	AMD	00-07-066	180- 56-230	AMD-P	00-10-020
173-340-610	AMD-P	00-16-135	173-425-050	AMD	00-07-066	180- 56-230	AMD	00-13-038
173-340-700	AMD-W	00-09-083	173-425-060	AMD	00-07-066	180- 57	PREP	00-12-016
173-340-700	AMD-P	00-16-135	173-425-070	AMD	00-07-066	180- 57-005	AMD-P	00-15-094
173-340-702	AMD-W	00-09-083	173-425-080	AMD	00-07-066	180- 57-010	REP-P	00-15-094
173-340-702	AMD-P	00-16-135	173-425-090	REP	00-07-066	180- 57-020	AMD-P	00-15-094
173-340-704	AMD-W	00-09-083	173-425-100	REP	00-07-066	180- 57-030	REP-P	00-15-094
173-340-704	AMD-P	00-16-135	173-425-110	REP	00-07-066	180- 57-040	REP-P	00-15-094
173-340-705	AMD-W	00-09-083	180- 27-032	AMD	00-04-007	180- 57-050	AMD-P	00-15-094
173-340-705	AMD-P	00-16-135	180- 27-102	AMD-P	00-05-104	180- 57-055	AMD-P	00-15-094
173-340-706	AMD-W	00-09-083	180- 27-102	AMD	00-09-045	180- 57-070	PREP	00-07-016
173-340-706	AMD-P	00-16-135	180- 29-068	NEW	00-04-008	180- 57-070	AMD-P	00-10-019
173-340-708	AMD-W	00-09-083	180- 29-085	AMD-P	00-10-060	180- 57-080	REP-P	00-15-094
173-340-708	AMD-P	00-16-135	180- 40-270	AMD	00-07-018	180- 77	PREP	00-11-082
173-340-709	NEW-W	00-09-083	180- 40-285	AMD	00-07-018	180- 77-004	REP-P	00-15-090
173-340-709	NEW-P	00-16-135	180- 40-305	AMD	00-07-018	180- 77-014	AMD-P	00-15-090
173-340-710	AMD-W	00-09-083	180- 40-315	AMD	00-07-018	180- 77-031	AMD-P	00-15-090
173-340-710	AMD-P	00-16-135	180- 50	PREP	00-12-017	180- 77-041	AMD-P	00-15-090
173-340-720	AMD-W	00-09-083	180- 50-100	AMD-P	00-15-093	180- 77-075	AMD-P	00-15-090
173-340-720	AMD-P	00-16-135	180- 50-105	REP-P	00-15-093	180- 77-106	REP-P	00-15-090
173-340-730	AMD-W	00-09-083	180- 50-115	AMD-P	00-15-093	180- 77-110	AMD-P	00-15-090
173-340-730	AMD-P	00-16-135	180- 50-117	NEW-P	00-15-093	180- 77A	PREP	00-11-082
173-340-740	AMD-W	00-09-083	180- 50-120	AMD-P	00-15-093	180- 77A	AMD-P	00-15-090
173-340-740	AMD-P	00-16-135	180- 50-125	REP-P	00-15-093	180- 77A-004	AMD-P	00-15-090
173-340-745	AMD-W	00-09-083	180- 50-130	REP-P	00-15-093	180- 77A-006	AMD-P	00-15-090
173-340-745	AMD-P	00-16-135	180- 50-135	AMD-P	00-15-093	180- 77A-012	REP-P	00-15-090
173-340-747	NEW-W	00-09-083	180- 50-300	AMD-P	00-15-093	180- 77A-014	REP-P	00-15-090
173-340-747	NEW-P	00-16-135	180- 50-310	AMD-P	00-15-093	180- 77A-016	REP-P	00-15-090
173-340-7490	NEW-W	00-09-083	180- 50-315	AMD-P	00-15-093	180- 77A-018	REP-P	00-15-090
173-340-7490	NEW-P	00-16-135	180- 51	PREP	00-11-171	180- 77A-020	REP-P	00-15-090
173-340-7491	NEW-W	00-09-083	180- 51-001	NEW-P	00-15-092	180- 77A-025	AMD-P	00-15-090
173-340-7491	NEW-P	00-16-135	180- 51-003	NEW-P	00-15-092	180- 77A-026	REP-P	00-15-090
173-340-7492	NEW-W	00-09-083	180- 51-005	AMD-P	00-15-092	180- 77A-028	REP-P	00-15-090
173-340-7492	NEW-P	00-16-135	180- 51-010	REP-P	00-15-092	180- 77A-029	AMD-P	00-15-090
173-340-7493	NEW-W	00-09-083	180- 51-025	AMD-P	00-15-092	180- 77A-030	AMD-P	00-15-090
173-340-7493	NEW-P	00-16-135	180- 51-030	AMD-P	00-15-092	180- 77A-033	AMD-P	00-15-090
173-340-7494	NEW-W	00-09-083	180- 51-035	AMD-P	00-15-092	180- 77A-037	AMD-P	00-15-090
173-340-7494	NEW-P	00-16-135	180- 51-040	AMD-P	00-15-092	180- 77A-040	AMD-P	00-15-090
173-340-750	AMD-W	00-09-083	180- 51-045	AMD-P	00-15-092	180- 77A-057	AMD-P	00-15-090
173-340-750	AMD-P	00-16-135	180- 51-050	AMD-P	00-15-092	180- 77A-165	AMD-P	00-15-090
173-340-760	AMD-W	00-09-083	180- 51-055	REP-P	00-15-092	180- 77A-170	REP-P	00-15-090
173-340-760	AMD-P	00-16-135	180- 51-060	AMD-P	00-15-092	180- 77A-180	AMD-P	00-15-090
173-340-800	AMD-W	00-09-083	180- 51-061	NEW-P	00-15-092	180- 77A-195	AMD-P	00-15-090
173-340-800	AMD-P	00-16-135	180- 51-063	NEW	00-04-047	180- 78	PREP	00-15-101
173-340-810	AMD-W	00-09-083	180- 51-063	PREP	00-07-017	180- 78A	PREP	00-15-103
173-340-810	AMD-P	00-16-135	180- 51-063	AMD-P	00-10-018	180- 78A-010	AMD	00-03-049
173-340-820	AMD-W	00-09-083	180- 51-063	AMD	00-13-039	180- 78A-015	PREP	00-15-098
173-340-820	AMD-P	00-16-135	180- 51-064	NEW	00-04-047	180- 78A-100	AMD-P	00-05-082
173-340-830	AMD-W	00-09-083	180- 51-065	REP-P	00-15-092	180- 78A-100	AMD	00-09-049
173-340-830	AMD-P	00-16-135	180- 51-070	REP-P	00-15-092	180- 78A-209	AMD-P	00-05-079
173-340-840	AMD-W	00-09-083	180- 51-075	AMD	00-05-010	180- 78A-209	AMD	00-09-046
173-340-840	AMD-P	00-16-135	180- 51-075	PREP	00-06-054	180- 78A-500	PREP	00-05-078

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180- 78A-500	AMD-P	00-10-083	180- 82-340	NEW-P	00-05-083	192-270-065	NEW-E	00-05-063
180- 78A-500	AMD	00-13-064	180- 82-340	NEW	00-09-047	192-270-065	NEW-E	00-13-057
180- 78A-505	AMD	00-03-049	180- 82-341	NEW-P	00-05-083	192-270-070	NEW-E	00-05-063
180- 78A-510	AMD	00-03-049	180- 82-341	NEW	00-09-047	192-270-070	NEW-E	00-13-057
180- 78A-515	AMD	00-03-049	180- 82-342	AMD-P	00-05-083	192-300-050	NEW	00-05-068
180- 78A-520	AMD	00-03-049	180- 82-342	AMD	00-09-047	192-300-170	NEW	00-05-064
180- 78A-525	AMD	00-03-049	180- 82-342	AMD-P	00-15-091	192-300-190	NEW	00-05-067
180- 78A-530	AMD	00-03-049	180- 82-343	AMD-P	00-05-083	192-320-050	NEW	00-05-068
180- 78A-535	AMD	00-03-049	180- 82-343	AMD	00-09-047	192-320-070	NEW	00-05-069
180- 78A-535	PREP	00-11-080	180- 85-030	PREP	00-05-077	192-330-100	NEW	00-05-066
180- 78A-535	AMD-P	00-15-088	180- 85-030	AMD-P	00-10-082	192-340-010	NEW	00-05-065
180- 78A-535	PREP	00-15-100	180- 85-030	AMD	00-13-065	194- 20-010	AMD	00-08-039
180- 78A-540	AMD	00-03-049	182- 12-119	PREP	00-12-045	194- 20-010	DECOD	00-08-039
180- 78A-545	PREP	00-15-098	182- 12-119	PREP	00-16-069	194- 20-020	AMD	00-08-039
180- 78A-550	PREP	00-15-098	182- 12-132	PREP	00-12-045	194- 20-020	DECOD	00-08-039
180- 78A-555	PREP	00-15-098	182- 12-132	PREP	00-16-069	194- 20-030	AMD	00-08-039
180- 78A-560	PREP	00-15-098	182- 16	PREP	00-10-101	194- 20-030	DECOD	00-08-039
180- 78A-565	PREP	00-15-098	182- 25-010	AMD-XA	00-14-075	194- 20-040	AMD	00-08-039
180- 79A	PREP	00-11-082	182- 25-020	PREP	00-16-136	194- 20-040	DECOD	00-08-039
180- 79A	PREP	00-15-103	182- 25-030	AMD-XA	00-14-075	194- 20-050	AMD	00-08-039
180- 79A-006	AMD	00-03-048	182- 25-100	PREP	00-10-101	194- 20-050	DECOD	00-08-039
180- 79A-007	AMD	00-03-048	182- 25-105	PREP	00-10-101	194- 20-060	REP	00-08-039
180- 79A-015	PREP	00-15-099	182- 25-110	PREP	00-10-101	194- 20-070	REP	00-08-039
180- 79A-020	PREP	00-15-099	192- 12-025	REP	00-05-064	194- 20-080	AMD	00-08-039
180- 79A-022	PREP	00-15-099	192- 12-072	REP	00-05-068	194- 20-080	DECOD	00-08-039
180- 79A-123	AMD-P	00-05-080	192- 12-405	REP	00-05-069	196- 09	PREP	00-15-013
180- 79A-123	AMD	00-09-048	192- 16-011	REP-E	00-13-057	196- 12	PREP	00-16-071
180- 79A-130	AMD	00-03-048	192- 16-017	REP-E	00-05-063	196- 16	PREP	00-15-013
180- 79A-140	PREP	00-05-076	192- 16-017	REP-E	00-13-057	196- 20	PREP	00-15-013
180- 79A-140	AMD-P	00-10-084	192- 16-021	REP-W	00-08-076	196- 21	PREP	00-15-013
180- 79A-140	AMD	00-13-063	192-150-005	NEW-E	00-05-063	196- 24-041	PREP	00-15-013
180- 79A-145	AMD	00-03-048	192-150-005	NEW-E	00-13-057	196- 24-080	PREP	00-15-013
180- 79A-206	AMD	00-03-048	192-150-050	NEW-E	00-13-057	196- 24-105	PREP	00-15-013
180- 79A-211	PREP	00-15-104	192-150-065	NEW-E	00-13-057	196- 26	PREP	00-15-013
180- 79A-231	PREP	00-05-076	192-150-085	NEW-E	00-05-063	196- 27	PREP	00-15-013
180- 79A-231	AMD-P	00-10-084	192-150-085	NEW-E	00-13-057	196- 31-010	NEW-P	00-04-059
180- 79A-231	AMD	00-13-063	192-170-050	NEW-W	00-08-076	196- 31-010	NEW	00-08-042
180- 79A-250	AMD	00-03-048	192-170-060	NEW-W	00-08-076	196- 31-020	NEW-P	00-04-059
180- 79A-257	AMD	00-03-048	192-270-005	NEW-E	00-05-063	196- 31-020	NEW	00-08-042
180- 79A-257	PREP	00-15-096	192-270-005	NEW-E	00-13-057	196- 31-030	NEW-P	00-04-059
180- 79A-257	AMD-E	00-15-106	192-270-010	NEW-E	00-05-063	196- 31-030	NEW	00-08-042
180- 79A-260	AMD	00-03-050	192-270-010	NEW-E	00-13-057	196- 31-040	NEW-P	00-04-059
180- 79A-300	AMD-P	00-15-090	192-270-015	NEW-E	00-05-063	196- 31-040	NEW	00-08-042
180- 82	PREP	00-11-081	192-270-015	NEW-E	00-13-057	196- 31-050	NEW-P	00-04-059
180- 82	PREP	00-11-082	192-270-020	NEW-E	00-05-063	196- 31-050	NEW	00-08-042
180- 82-110	PREP	00-11-083	192-270-020	NEW-E	00-13-057	196- 31-060	NEW-P	00-04-059
180- 82-110	AMD-P	00-15-089	192-270-025	NEW-E	00-05-063	196- 31-060	NEW	00-08-042
180- 82-135	PREP	00-15-097	192-270-025	NEW-E	00-13-057	196- 31-070	NEW-P	00-04-059
180- 82-135	NEW-E	00-15-105	192-270-030	NEW-E	00-05-063	196- 31-070	NEW	00-08-042
180- 82-202	AMD-P	00-15-091	192-270-030	NEW-E	00-13-057	196- 32-010	NEW-P	00-16-068
180- 82-204	AMD-P	00-05-083	192-270-035	NEW-E	00-05-063	196- 32-020	NEW-P	00-16-068
180- 82-204	AMD	00-09-047	192-270-035	NEW-E	00-13-057	196- 32-030	NEW-P	00-16-068
180- 82-303	NEW-P	00-15-091	192-270-040	NEW-E	00-05-063	196- 32-040	NEW-P	00-16-068
180- 82-307	NEW-P	00-15-091	192-270-040	NEW-E	00-13-057	196- 32-050	NEW-P	00-16-068
180- 82-311	NEW-P	00-05-083	192-270-045	NEW-E	00-05-063	197- 11	PREP	00-07-051
180- 82-311	NEW	00-09-047	192-270-045	NEW-E	00-13-057	204- 24-030	PREP	00-08-111
180- 82-313	NEW-P	00-05-083	192-270-050	NEW-E	00-05-063	204- 24-030	AMD-P	00-11-173
180- 82-313	NEW	00-09-047	192-270-050	NEW-E	00-13-057	204- 24-030	AMD	00-15-009
180- 82-322	AMD-P	00-15-090	192-270-055	NEW-E	00-05-063	204- 24-050	AMD	00-03-081
180- 82-335	NEW-P	00-05-083	192-270-055	NEW-E	00-13-057	204- 38-030	AMD	00-03-023
180- 82-335	NEW	00-09-047	192-270-060	NEW-E	00-05-063	204- 38-040	AMD	00-03-023
180- 82-338	NEW-P	00-15-091	192-270-060	NEW-E	00-13-057	204- 38-050	AMD	00-03-023

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204-41-070	PREP	00-15-008	208-512-230	RECOD-X	00-13-101	208-544-005	RECOD-X	00-13-101
204-91A	PREP	00-16-101	208-512-240	RECOD-X	00-13-101	208-544-010	RECOD-X	00-13-101
204-96-010	AMD-E	00-10-059	208-512-250	RECOD-X	00-13-101	208-544-020	RECOD-X	00-13-101
204-96-010	PREP	00-11-174	208-512-260	RECOD-X	00-13-101	208-544-025	RECOD-X	00-13-101
204-96-010	AMD-P	00-15-036	208-512-270	RECOD-X	00-13-101	208-544-030	RECOD-X	00-13-101
204-97-010	NEW-W	00-12-028	208-512-280	RECOD-X	00-13-101	208-544-037	RECOD-X	00-13-101
204-97-020	NEW-W	00-12-028	208-512-290	RECOD-X	00-13-101	208-544-039	RECOD-X	00-13-101
204-97-030	NEW-W	00-12-028	208-512-300	RECOD-X	00-13-101	208-544-050	RECOD-X	00-13-101
204-97-040	NEW-W	00-12-028	208-512-310	RECOD-X	00-13-101	208-544-060	RECOD-X	00-13-101
208-440	PREP	00-04-074	208-512-320	RECOD-X	00-13-101	208-548-010	RECOD-X	00-13-101
208-440	AMD-P	00-13-041	208-512-330	RECOD-X	00-13-101	208-548-020	RECOD-X	00-13-101
208-440-010	PREP	00-04-074	208-512-340	RECOD-X	00-13-101	208-548-030	RECOD-X	00-13-101
208-440-010	AMD-P	00-13-041	208-512-350	RECOD-X	00-13-101	208-548-040	RECOD-X	00-13-101
208-440-020	PREP	00-04-074	208-512-360	RECOD-X	00-13-101	208-548-050	RECOD-X	00-13-101
208-440-020	REP-P	00-13-041	208-512-370	RECOD-X	00-13-101	208-548-060	RECOD-X	00-13-101
208-440-040	PREP	00-04-074	208-514-010	RECOD-X	00-13-101	208-548-070	RECOD-X	00-13-101
208-440-040	REP-P	00-13-041	208-514-020	RECOD-X	00-13-101	208-548-080	RECOD-X	00-13-101
208-440-050	PREP	00-04-074	208-514-030	RECOD-X	00-13-101	208-548-090	RECOD-X	00-13-101
208-440-050	REP-P	00-13-041	208-514-040	RECOD-X	00-13-101	208-548-100	RECOD-X	00-13-101
208-444-050	PREP	00-16-028	208-514-050	RECOD-X	00-13-101	208-556-010	RECOD-X	00-13-101
208-460-010	PREP	00-16-028	208-514-060	RECOD-X	00-13-101	208-556-020	RECOD-X	00-13-101
208-460-020	PREP	00-16-028	208-514-070	RECOD-X	00-13-101	208-556-030	RECOD-X	00-13-101
208-460-030	PREP	00-16-028	208-514-080	RECOD-X	00-13-101	208-556-040	RECOD-X	00-13-101
208-460-040	PREP	00-16-028	208-514-090	RECOD-X	00-13-101	208-556-050	RECOD-X	00-13-101
208-460-050	PREP	00-16-028	208-514-100	RECOD-X	00-13-101	208-556-060	RECOD-X	00-13-101
208-460-060	PREP	00-16-028	208-514-110	RECOD-X	00-13-101	208-556-070	RECOD-X	00-13-101
208-460-070	PREP	00-16-028	208-514-120	RECOD-X	00-13-101	208-556-080	RECOD-X	00-13-101
208-460-080	PREP	00-16-028	208-514-130	RECOD-X	00-13-101	208-586-020	RECOD-X	00-13-100
208-460-090	PREP	00-16-028	208-514-140	RECOD-X	00-13-101	208-586-030	RECOD-X	00-13-100
208-460-100	PREP	00-16-028	208-528-010	RECOD-X	00-13-101	208-586-040	RECOD-X	00-13-100
208-460-110	PREP	00-16-028	208-528-020	RECOD-X	00-13-101	208-586-050	RECOD-X	00-13-100
208-460-120	PREP	00-16-028	208-528-030	RECOD-X	00-13-101	208-586-060	RECOD-X	00-13-100
208-460-130	PREP	00-16-028	208-528-040	RECOD-X	00-13-101	208-586-070	RECOD-X	00-13-100
208-460-140	PREP	00-16-028	208-528-050	RECOD-X	00-13-101	208-586-075	RECOD-X	00-13-100
208-460-150	PREP	00-16-028	208-528-060	RECOD-X	00-13-101	208-586-080	RECOD-X	00-13-100
208-460-160	PREP	00-16-028	208-528-070	RECOD-X	00-13-101	208-586-085	RECOD-X	00-13-100
208-460-170	PREP	00-16-028	208-528-990	RECOD-X	00-13-101	208-586-090	RECOD-X	00-13-100
208-460-180	PREP	00-16-028	208-532-010	RECOD-X	00-14-053	208-586-100	RECOD-X	00-13-100
208-512-020	RECOD-X	00-13-101	208-532-020	RECOD-X	00-14-053	208-586-110	RECOD-X	00-13-100
208-512-030	RECOD-X	00-13-101	208-532-030	RECOD-X	00-14-053	208-586-120	RECOD-X	00-13-100
208-512-045	RECOD-X	00-13-101	208-532-040	RECOD-X	00-14-053	208-586-135	RECOD-X	00-13-100
208-512-050	RECOD-X	00-13-101	208-532-050	RECOD-X	00-14-053	208-586-140	RECOD-X	00-13-100
208-512-060	RECOD-X	00-13-101	208-532-060	RECOD-X	00-14-053	208-590-010	RECOD-X	00-13-100
208-512-070	RECOD-X	00-13-101	208-532-070	RECOD-X	00-14-053	208-590-020	RECOD-X	00-13-100
208-512-080	RECOD-X	00-13-101	208-532-080	RECOD-X	00-14-053	208-590-030	RECOD-X	00-13-100
208-512-090	RECOD-X	00-13-101	208-532-090	RECOD-X	00-14-053	208-594-010	RECOD-X	00-13-100
208-512-100	RECOD-X	00-13-101	208-532-100	RECOD-X	00-14-053	208-594-020	RECOD-X	00-13-100
208-512-110	RECOD-X	00-13-101	208-532-99001	RECOD-X	00-14-053	208-594-030	RECOD-X	00-13-100
208-512-115	RECOD-X	00-13-101	208-532-99002	RECOD-X	00-14-053	208-594-040	RECOD-X	00-13-100
208-512-116	RECOD-X	00-13-101	208-532-99003	RECOD-X	00-14-053	208-594-050	RECOD-X	00-13-100
208-512-117	RECOD-X	00-13-101	208-536-010	RECOD-X	00-13-101	208-594-060	RECOD-X	00-13-100
208-512-120	RECOD-X	00-13-101	208-536-020	RECOD-X	00-13-101	208-594-070	RECOD-X	00-13-100
208-512-130	RECOD-X	00-13-101	208-536-030	RECOD-X	00-13-101	208-594-080	RECOD-X	00-13-100
208-512-140	RECOD-X	00-13-101	208-536-040	RECOD-X	00-13-101	208-594-090	RECOD-X	00-13-100
208-512-150	RECOD-X	00-13-101	208-536-050	RECOD-X	00-13-101	208-598-010	RECOD-X	00-13-100
208-512-160	RECOD-X	00-13-101	208-536-060	RECOD-X	00-13-101	208-598-020	RECOD-X	00-13-100
208-512-170	RECOD-X	00-13-101	208-536-070	RECOD-X	00-13-101	208-598-030	RECOD-X	00-13-100
208-512-180	RECOD-X	00-13-101	208-536-080	RECOD-X	00-13-101	208-680	PREP	00-10-102
208-512-190	RECOD-X	00-13-101	208-536-090	RECOD-X	00-13-101	210-01-120	AMD-P	00-03-040
208-512-200	RECOD-X	00-13-101	208-536-100	RECOD-X	00-13-101	210-01-120	AMD	00-07-003
208-512-210	RECOD-X	00-13-101	208-536-110	RECOD-X	00-13-101	210-02-010	NEW-P	00-08-069
208-512-220	RECOD-X	00-13-101	208-536-120	RECOD-X	00-13-101	210-02-010	NEW	00-11-023

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
210-02-020	NEW-P	00-08-069	220-20-020	AMD-W	00-07-019	220-44-080	AMD	00-16-033
210-02-020	NEW	00-11-023	220-20-020	AMD-P	00-14-022	220-47-304	AMD-XA	00-13-095
210-02-030	NEW-P	00-08-069	220-20-02000A	NEW-E	00-10-069	220-47-311	AMD-XA	00-13-095
210-02-030	NEW	00-11-023	220-20-025	AMD-P	00-06-083	220-47-401	AMD-XA	00-13-095
210-02-040	NEW-P	00-08-069	220-20-025	AMD-W	00-07-019	220-47-411	AMD-XA	00-13-095
210-02-040	NEW	00-11-023	220-20-025	AMD-P	00-14-022	220-47-427	AMD-XA	00-13-095
210-02-050	NEW-P	00-08-069	220-20-02500A	NEW-E	00-10-069	220-47-428	AMD-XA	00-13-095
210-02-050	NEW	00-11-023	220-24-02000L	NEW-E	00-10-067	220-48-005	AMD-W	00-11-086
210-02-060	NEW-P	00-08-069	220-24-02000L	REP-E	00-10-067	220-48-011	AMD-P	00-14-020
210-02-060	NEW	00-11-023	220-32-01500S	REP-E	00-14-051	220-48-015	AMD-W	00-11-086
210-02-070	NEW-P	00-08-069	220-32-05100R	NEW-E	00-04-071	220-48-015	AMD-P	00-14-020
210-02-070	NEW	00-11-023	220-32-05100R	REP-E	00-04-071	220-48-01500K	NEW-E	00-08-037
210-02-080	NEW-P	00-08-069	220-32-05100R	REP-E	00-07-099	220-48-01500L	NEW-E	00-14-013
210-02-080	NEW	00-11-023	220-32-05100S	NEW-E	00-14-051	220-48-016	AMD-W	00-11-086
210-02-090	NEW-P	00-08-069	220-32-05500A	NEW-E	00-10-097	220-48-017	AMD-W	00-11-086
210-02-090	NEW	00-11-023	220-32-05500A	REP-E	00-10-097	220-48-019	AMD-W	00-11-086
210-02-100	NEW-P	00-08-069	220-32-05500A	REP-E	00-11-030	220-48-019	AMD-P	00-14-020
210-02-100	NEW	00-11-023	220-32-05500B	NEW-E	00-11-030	220-48-028	AMD-W	00-11-086
210-02-110	NEW-P	00-08-069	220-32-05500B	REP-E	00-11-030	220-48-029	AMD-W	00-11-086
210-02-110	NEW	00-11-023	220-32-05500B	REP-E	00-12-026	220-48-031	AMD-W	00-11-086
210-02-120	NEW-P	00-08-069	220-32-05500C	NEW-E	00-12-026	220-48-032	AMD-W	00-11-086
210-02-120	NEW	00-11-023	220-32-05500C	REP-E	00-12-026	220-48-061	AMD-W	00-11-086
210-02-130	NEW-P	00-08-069	220-32-05500Z	NEW-E	00-09-024	220-48-071	AMD-W	00-11-086
210-02-130	NEW	00-11-023	220-32-05500Z	REP-E	00-09-024	220-52-03000L	NEW-E	00-11-057
210-02-140	NEW-P	00-08-069	220-32-05500Z	REP-E	00-10-097	220-52-03000L	REP-E	00-11-057
210-02-140	NEW	00-11-023	220-32-057	AMD-XA	00-12-052	220-52-03000L	REP-E	00-13-006
210-02-150	NEW-P	00-08-069	220-32-05700E	NEW-E	00-07-109	220-52-03000	NEW-E	00-13-068
210-02-150	NEW	00-11-023	220-32-05700E	REP-E	00-13-015	220-52-03000	REP-E	00-13-068
210-02-160	NEW-P	00-08-069	220-32-05700F	NEW-E	00-13-015	220-52-040	AMD-W	00-08-077
210-02-160	NEW	00-11-023	220-32-05700F	REP-E	00-16-090	220-52-040	AMD-P	00-14-037
210-02-170	NEW-P	00-08-069	220-33-010	AMD-XA	00-12-052	220-52-04000Q	REP-E	00-04-084
210-02-170	NEW	00-11-023	220-33-01000B	NEW-E	00-05-047	220-52-04000R	NEW-E	00-04-084
210-02-180	NEW-P	00-08-069	220-33-01000B	REP-E	00-05-047	220-52-04000R	REP-E	00-11-001
210-02-180	NEW	00-11-023	220-33-01000B	REP-E	00-06-011	220-52-04000S	NEW-E	00-11-001
210-02-190	NEW-P	00-08-069	220-33-01000C	NEW-E	00-06-011	220-52-04000S	REP-E	00-11-001
210-02-190	NEW	00-11-023	220-33-01000C	REP-E	00-06-036	220-52-04000T	NEW-E	00-12-025
210-02-200	NEW-P	00-08-069	220-33-01000D	NEW-E	00-06-036	220-52-04000T	REP-E	00-12-025
210-02-200	NEW	00-11-023	220-33-01000E	NEW-E	00-14-014	220-52-043	AMD-W	00-08-077
220-16-257	AMD	00-08-038	220-33-01000E	REP-E	00-14-014	220-52-043	AMD-P	00-14-037
220-16-345	AMD	00-08-038	220-33-01000F	NEW-E	00-16-081	220-52-04600A	NEW-E	00-11-001
220-16-480	AMD-W	00-11-087	220-33-01000F	REP-E	00-16-081	220-52-04600A	REP-E	00-11-001
220-16-590	AMD-P	00-06-083	220-33-020	AMD-XA	00-12-052	220-52-04600B	NEW-E	00-12-025
220-16-590	AMD-W	00-07-019	220-33-03000P	NEW-E	00-11-046	220-52-04600B	REP-E	00-12-025
220-16-590	AMD	00-08-038	220-33-03000P	REP-E	00-11-046	220-52-04600U	NEW-E	00-04-084
220-16-590	AMD-P	00-14-022	220-33-03000P	REP-E	00-14-014	220-52-04600U	REP-E	00-06-009
220-16-730	NEW	00-08-038	220-33-03000Q	NEW-E	00-14-014	220-52-04600V	REP-E	00-04-084
220-16-740	NEW-P	00-06-083	220-33-03000Q	REP-E	00-14-014	220-52-04600X	NEW-E	00-06-009
220-16-740	NEW-W	00-07-019	220-33-040	AMD-XA	00-12-052	220-52-04600X	REP-E	00-08-037
220-16-740	NEW	00-08-038	220-33-040	AMD-P	00-14-036	220-52-04600Y	NEW-E	00-08-037
220-16-740	AMD-P	00-14-022	220-33-04000I	REP-E	00-06-017	220-52-04600Y	REP-E	00-08-037
220-16-74000A	NEW-E	00-10-069	220-33-04000J	NEW-E	00-06-017	220-52-04600Y	REP-E	00-08-044
220-16-750	NEW-P	00-06-083	220-33-04000J	REP-E	00-06-017	220-52-04600Z	NEW-E	00-08-044
220-16-750	NEW-W	00-07-019	220-33-060	AMD-P	00-14-038	220-52-04600Z	REP-E	00-08-044
220-16-750	NEW	00-08-038	220-33-06000A	NEW-E	00-11-056	220-52-050	AMD-P	00-14-020
220-16-750	AMD-P	00-14-022	220-44-020	AMD-P	00-14-038	220-52-05100A	NEW-E	00-09-055
220-16-75000A	NEW-E	00-10-069	220-44-02000A	NEW-E	00-11-056	220-52-05100A	REP-E	00-10-051
220-20-010	AMD	00-08-038	220-44-030	AMD-P	00-14-020	220-52-05100B	NEW-E	00-10-051
220-20-015	AMD-P	00-06-083	220-44-050	AMD-XA	00-10-038	220-52-05100B	REP-E	00-12-015
220-20-015	AMD-W	00-07-019	220-44-050	AMD	00-16-033	220-52-05100C	NEW-E	00-12-015
220-20-015	AMD-P	00-14-022	220-44-05000A	NEW-E	00-04-041	220-52-05100C	REP-E	00-15-006
220-20-01500A	NEW-E	00-10-069	220-44-05000Z	REP-E	00-04-041	220-52-05100D	NEW-E	00-15-006
220-20-020	AMD-P	00-06-083	220-44-080	AMD-XA	00-10-038	220-52-05100D	REP-E	00-15-033

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-52-05100E	NEW-E	00-15-033	220-56-11500D	NEW-E	00-10-068	220-56-25500R	NEW-E	00-13-059
220-52-05100E	REP-E	00-16-025	220-56-116	AMD-XA	00-11-179	220-56-25500R	REP-E	00-14-000
220-52-05100F	NEW-E	00-16-025	220-56-116	AMD	00-16-091	220-56-25500S	NEW-E	00-14-000
220-52-05100F	REP-E	00-16-040	220-56-123	AMD-XA	00-11-179	220-56-25500S	REP-E	00-16-082
220-52-05100G	NEW-E	00-16-040	220-56-123	AMD	00-16-091	220-56-25500T	NEW-E	00-16-082
220-52-068	AMD-P	00-14-020	220-56-12300A	NEW-E	00-10-068	220-56-27000G	NEW-E	00-06-017
220-52-069	AMD-P	00-11-045	220-56-128	AMD-XA	00-11-179	220-56-27000G	REP-E	00-06-017
220-52-06900A	NEW-E	00-04-015	220-56-128	AMD	00-16-091	220-56-280	AMD	00-08-038
220-52-06900A	REP-E	00-11-116	220-56-12800D	NEW-E	00-08-001	220-56-28500U	NEW-E	00-08-031
220-52-06900B	NEW-E	00-11-116	220-56-12800D	REP-E	00-08-001	220-56-28500U	REP-E	00-08-031
220-52-071	AMD	00-03-042	220-56-12800E	NEW-E	00-10-068	220-56-28500V	NEW-E	00-08-046
220-52-07100N	NEW-E	00-13-054	220-56-130	AMD	00-08-038	220-56-28500V	REP-E	00-13-058
220-52-07100N	REP-E	00-16-066	220-56-145	AMD	00-08-038	220-56-28500	NEW-E	00-14-012
220-52-07100P	NEW-E	00-16-066	220-56-175	AMD-P	00-06-084	220-56-295	AMD	00-08-038
220-52-073	AMD	00-03-042	220-56-175	AMD	00-08-038	220-56-30500G	NEW-E	00-13-058
220-52-07300Q	REP-E	00-03-006	220-56-175	AMD	00-11-178	220-56-310	AMD	00-08-038
220-52-07300R	NEW-E	00-03-006	220-56-180	AMD-XA	00-11-179	220-56-315	AMD	00-08-038
220-52-07300R	REP-E	00-03-006	220-56-180	AMD	00-16-091	220-56-32500D	NEW-E	00-10-011
220-52-07300R	REP-E	00-03-044	220-56-185	AMD	00-08-038	220-56-32500D	REP-E	00-10-011
220-52-07300S	NEW-E	00-03-044	220-56-190	AMD-XA	00-11-179	220-56-32500E	NEW-E	00-11-144
220-52-07300S	REP-E	00-03-044	220-56-190	DECOD-X	00-11-179	220-56-32500E	REP-E	00-14-023
220-52-07300S	REP-E	00-04-013	220-56-190	AMD	00-16-091	220-56-32500F	NEW-E	00-12-047
220-52-07300T	NEW-E	00-04-013	220-56-190	DECOD	00-16-091	220-56-32500F	REP-E	00-12-047
220-52-07300T	REP-E	00-05-041	220-56-19000C	NEW-E	00-10-068	220-56-32500G	NEW-E	00-12-069
220-52-07300U	NEW-E	00-05-041	220-56-19000D	NEW-E	00-14-035	220-56-32500G	REP-E	00-12-069
220-52-07300U	REP-E	00-06-044	220-56-19000D	REP-E	00-14-035	220-56-32500H	NEW-E	00-13-053
220-52-07300V	NEW-E	00-06-044	220-56-191	AMD-XA	00-11-179	220-56-32500H	REP-E	00-13-053
220-52-07300V	REP-E	00-06-044	220-56-191	DECOD-P	00-11-179	220-56-32500I	NEW-E	00-14-023
220-52-07300	NEW-E	00-07-064	220-56-191	AMD	00-16-091	220-56-330	AMD	00-08-038
220-52-07300	REP-E	00-07-114	220-56-191	DECOD	00-16-091	220-56-33000A	NEW-E	00-11-055
220-52-075	AMD	00-05-054	220-56-19100L	NEW-E	00-10-068	220-56-33000A	REP-E	00-11-143
220-52-07500A	NEW-E	00-10-051	220-56-195	AMD-XA	00-11-179	220-56-33000B	NEW-E	00-11-143
220-55-005	AMD-P	00-06-084	220-56-195	AMD	00-16-091	220-56-33000B	REP-E	00-13-069
220-55-005	AMD	00-11-178	220-56-19500F	NEW-E	00-10-068	220-56-33000C	NEW-E	00-13-069
220-55-010	AMD-P	00-06-084	220-56-199	AMD-XA	00-11-179	220-56-33000C	REP-E	00-14-034
220-55-010	AMD	00-11-178	220-56-199	AMD	00-16-091	220-56-33000D	NEW-E	00-14-034
220-55-015	AMD-P	00-06-084	220-56-19900A	NEW-E	00-10-068	220-56-33000D	REP-E	00-15-005
220-55-015	AMD	00-11-178	220-56-205	AMD	00-08-038	220-56-33000E	NEW-E	00-15-005
220-55-070	AMD-P	00-06-084	220-56-205	REP-XA	00-11-179	220-56-33000E	REP-E	00-15-032
220-55-070	AMD	00-11-178	220-56-205	REP	00-16-091	220-56-33000F	NEW-E	00-15-032
220-55-105	AMD-P	00-06-084	220-56-235	AMD	00-08-038	220-56-33000V	REP-E	00-08-037
220-55-105	AMD	00-11-178	220-56-235	AMD-XA	00-10-038	220-56-33000	NEW-E	00-06-009
220-55-110	AMD-P	00-06-084	220-56-23500E	NEW-E	00-08-084	220-56-33000	REP-E	00-08-037
220-55-110	AMD	00-11-178	220-56-23500E	REP-E	00-10-012	220-56-33000X	NEW-E	00-07-098
220-55-115	AMD-P	00-06-084	220-56-23500F	NEW-E	00-10-012	220-56-33000X	REP-E	00-11-055
220-55-115	AMD	00-11-178	220-56-23500G	NEW-E	00-16-061	220-56-33000Y	NEW-E	00-08-037
220-55-132	NEW-P	00-06-084	220-56-240	AMD	00-08-038	220-56-33000Y	REP-E	00-09-053
220-55-132	NEW	00-11-178	220-56-24000C	NEW-E	00-10-050	220-56-33000Z	NEW-E	00-09-053
220-55-170	AMD-P	00-06-042	220-56-24000C	REP-E	00-10-050	220-56-33000Z	REP-E	00-11-055
220-55-170	AMD	00-11-177	220-56-24000D	NEW-E	00-11-059	220-56-335	AMD-W	00-11-087
220-55-17000B	NEW-E	00-11-058	220-56-250	AMD	00-08-038	220-56-350	AMD	00-08-038
220-55-180	AMD-P	00-06-043	220-56-250	AMD-XA	00-10-038	220-56-350	AMD-XA	00-11-179
220-55-180	AMD	00-11-176	220-56-25000A	REP-E	00-08-084	220-56-350	AMD	00-16-091
220-56-08500U	REP-E	00-08-046	220-56-25000B	NEW-E	00-08-084	220-56-35000F	NEW-E	00-08-045
220-56-100	AMD-XA	00-11-179	220-56-25500	NEW-E	00-10-070	220-56-35000G	NEW-E	00-10-068
220-56-100	AMD	00-16-091	220-56-25500	REP-E	00-11-008	220-56-36000A	REP-E	00-06-010
220-56-103	AMD	00-08-038	220-56-25500N	NEW-E	00-11-008	220-56-36000B	NEW-E	00-06-010
220-56-103	REP-XA	00-11-179	220-56-25500N	REP-E	00-12-014	220-56-36000B	REP-E	00-06-010
220-56-103	REP	00-16-091	220-56-25500P	NEW-E	00-12-014	220-56-36000C	NEW-E	00-09-001
220-56-105	AMD	00-08-038	220-56-25500P	REP-E	00-12-048	220-56-36000C	REP-E	00-09-001
220-56-115	AMD-XA	00-11-179	220-56-25500Q	NEW-E	00-12-048	220-56-36000D	NEW-E	00-09-054
220-56-115	AMD	00-16-091	220-56-25500Q	REP-E	00-13-059	220-56-36000D	REP-E	00-09-054

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-56-36000E	NEW-E	00-10-049	220-57-187	REP-XA	00-11-179	220-57-319	REP-XA	00-11-179
220-56-36000E	REP-E	00-10-049	220-57-187	REP	00-16-091	220-57-319	REP	00-16-091
220-56-372	AMD	00-08-038	220-57-18700D	NEW-E	00-07-002	220-57-31900A	NEW-E	00-12-013
220-56-380	AMD	00-08-038	220-57-190	REP-XA	00-11-179	220-57-31900A	REP-E	00-12-013
220-56-380	AMD-XA	00-11-179	220-57-190	REP	00-16-091	220-57-31900Z	NEW-E	00-07-002
220-56-380	AMD	00-16-091	220-57-195	REP-XA	00-11-179	220-57-31900Z	REP-E	00-12-013
220-56-38000X	NEW-E	00-08-045	220-57-195	REP	00-16-091	220-57-321	REP-XA	00-11-179
220-56-38000Y	NEW-E	00-10-068	220-57-200	REP-XA	00-11-179	220-57-321	REP	00-16-091
220-57-001	REP-XA	00-11-179	220-57-200	REP	00-16-091	220-57-32100D	NEW-E	00-08-022
220-57-001	REP	00-16-091	220-57-205	REP-XA	00-11-179	220-57-32100D	REP-E	00-08-022
220-57-11900A	NEW-E	00-15-087	220-57-205	REP	00-16-091	220-57-325	REP-XA	00-11-179
220-57-11900A	REP-E	00-15-087	220-57-210	REP-XA	00-11-179	220-57-325	REP	00-16-091
220-57-120	REP-XA	00-11-179	220-57-210	REP	00-16-091	220-57-326	REP-XA	00-11-179
220-57-120	REP	00-16-091	220-57-215	REP-XA	00-11-179	220-57-326	REP	00-16-091
220-57-125	REP-XA	00-11-179	220-57-215	REP	00-16-091	220-57-327	REP-XA	00-11-179
220-57-125	REP	00-16-091	220-57-225	REP-XA	00-11-179	220-57-327	REP	00-16-091
220-57-130	REP-XA	00-11-179	220-57-225	REP	00-16-091	220-57-330	REP-XA	00-11-179
220-57-130	REP	00-16-091	220-57-230	REP-XA	00-11-179	220-57-330	REP	00-16-091
220-57-135	REP-XA	00-11-179	220-57-230	REP	00-16-091	220-57-335	REP-XA	00-11-179
220-57-135	REP	00-16-091	220-57-235	REP-XA	00-11-179	220-57-335	REP	00-16-091
220-57-137	REP-XA	00-11-179	220-57-235	REP	00-16-091	220-57-340	REP-XA	00-11-179
220-57-137	REP	00-16-091	220-57-240	REP-XA	00-11-179	220-57-340	REP	00-16-091
220-57-13701	REP-XA	00-11-179	220-57-240	REP	00-16-091	220-57-341	REP-XA	00-11-179
220-57-13701	REP	00-16-091	220-57-245	REP-XA	00-11-179	220-57-341	REP	00-16-091
220-57-138	REP-XA	00-11-179	220-57-245	REP	00-16-091	220-57-342	REP-XA	00-11-179
220-57-138	REP	00-16-091	220-57-250	REP-XA	00-11-179	220-57-342	REP	00-16-091
220-57-140	REP-XA	00-11-179	220-57-250	REP	00-16-091	220-57-345	REP-XA	00-11-179
220-57-140	REP	00-16-091	220-57-255	REP-XA	00-11-179	220-57-345	REP	00-16-091
220-57-145	REP-XA	00-11-179	220-57-255	REP	00-16-091	220-57-34500A	NEW-E	00-03-007
220-57-145	REP	00-16-091	220-57-25500G	NEW-E	00-07-002	220-57-34500A	REP-E	00-03-007
220-57-150	REP-XA	00-11-179	220-57-260	REP-XA	00-11-179	220-57-350	REP-XA	00-11-179
220-57-150	REP	00-16-091	220-57-260	REP	00-16-091	220-57-350	REP	00-16-091
220-57-155	REP-XA	00-11-179	220-57-265	REP-XA	00-11-179	220-57-355	REP-XA	00-11-179
220-57-155	REP	00-16-091	220-57-265	REP	00-16-091	220-57-355	REP	00-16-091
220-57-160	AMD	00-08-038	220-57-270	REP-XA	00-11-179	220-57-365	REP-XA	00-11-179
220-57-160	REP-XA	00-11-179	220-57-270	REP	00-16-091	220-57-365	REP	00-16-091
220-57-160	REP	00-16-091	220-57-275	REP-XA	00-11-179	220-57-370	REP-XA	00-11-179
220-57-16000V	NEW-E	00-07-073	220-57-275	REP	00-16-091	220-57-370	REP	00-16-091
220-57-16000V	REP-E	00-14-015	220-57-280	REP-XA	00-11-179	220-57-375	REP-XA	00-11-179
220-57-16000	NEW-E	00-08-006	220-57-280	REP	00-16-091	220-57-375	REP	00-16-091
220-57-16000	REP-E	00-11-007	220-57-285	REP-XA	00-11-179	220-57-380	REP-XA	00-11-179
220-57-16000X	NEW-E	00-11-007	220-57-285	REP	00-16-091	220-57-380	REP	00-16-091
220-57-16000X	REP-E	00-11-007	220-57-290	REP-XA	00-11-179	220-57-385	REP-XA	00-11-179
220-57-16000Y	NEW-E	00-14-015	220-57-290	REP	00-16-091	220-57-385	REP	00-16-091
220-57-16000Y	REP-E	00-14-015	220-57-29000X	NEW-E	00-11-029	220-57-390	REP-XA	00-11-179
220-57-16000Z	NEW-E	00-16-039	220-57-29000X	REP-E	00-11-029	220-57-390	REP	00-16-091
220-57-165	REP-XA	00-11-179	220-57-295	REP-XA	00-11-179	220-57-395	REP-XA	00-11-179
220-57-165	REP	00-16-091	220-57-295	REP	00-16-091	220-57-395	REP	00-16-091
220-57-170	REP-XA	00-11-179	220-57-300	REP-XA	00-11-179	220-57-400	REP-XA	00-11-179
220-57-170	REP	00-16-091	220-57-300	REP	00-16-091	220-57-400	REP	00-16-091
220-57-17000U	NEW-E	00-07-002	220-57-305	REP-XA	00-11-179	220-57-405	REP-XA	00-11-179
220-57-17000U	REP-E	00-11-118	220-57-305	REP	00-16-091	220-57-405	REP	00-16-091
220-57-175	REP-XA	00-11-179	220-57-310	REP-XA	00-11-179	220-57-410	REP-XA	00-11-179
220-57-175	REP	00-16-091	220-57-310	REP	00-16-091	220-57-410	REP	00-16-091
220-57-17500V	NEW-E	00-11-118	220-57-313	REP-XA	00-11-179	220-57-415	REP-XA	00-11-179
220-57-17500V	REP-E	00-11-118	220-57-313	REP	00-16-091	220-57-415	REP	00-16-091
220-57-180	REP-XA	00-11-179	220-57-315	REP-XA	00-11-179	220-57-420	REP-XA	00-11-179
220-57-180	REP	00-16-091	220-57-315	REP	00-16-091	220-57-420	REP	00-16-091
220-57-181	REP-XA	00-11-179	220-57-31500J	NEW-E	00-08-022	220-57-425	REP-XA	00-11-179
220-57-181	REP	00-16-091	220-57-31500J	REP-E	00-08-022	220-57-425	REP	00-16-091
220-57-185	REP-XA	00-11-179	220-57-31500K	NEW-E	00-12-041	220-57-42500F	NEW-E	00-15-087
220-57-185	REP	00-16-091	220-57-31500K	REP-E	00-12-041	220-57-42500F	REP-E	00-15-087

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220- 57-427	REP-XA	00-11-179	220- 57-53000C	NEW-E	00-13-016	220- 57A-130	REP-XA	00-11-179
220- 57-427	REP	00-16-091	220- 57-53000C	REP-E	00-13-016	220- 57A-130	REP	00-16-091
220- 57-430	REP-XA	00-11-179	220- 57A-001	REP-XA	00-11-179	220- 57A-135	REP-XA	00-11-179
220- 57-430	REP	00-16-091	220- 57A-001	REP	00-16-091	220- 57A-135	REP	00-16-091
220- 57-432	REP-XA	00-11-179	220- 57A-005	REP-XA	00-11-179	220- 57A-140	REP-XA	00-11-179
220- 57-432	REP	00-16-091	220- 57A-005	REP	00-16-091	220- 57A-140	REP	00-16-091
220- 57-435	REP-XA	00-11-179	220- 57A-010	REP-XA	00-11-179	220- 57A-145	REP-XA	00-11-179
220- 57-435	REP	00-16-091	220- 57A-010	REP	00-16-091	220- 57A-145	REP	00-16-091
220- 57-440	REP-XA	00-11-179	220- 57A-012	REP-XA	00-11-179	220- 57A-150	REP-XA	00-11-179
220- 57-440	REP	00-16-091	220- 57A-012	REP	00-16-091	220- 57A-150	REP	00-16-091
220- 57-445	REP-XA	00-11-179	220- 57A-015	REP-XA	00-11-179	220- 57A-152	REP-XA	00-11-179
220- 57-445	REP	00-16-091	220- 57A-015	REP	00-16-091	220- 57A-152	REP	00-16-091
220- 57-450	REP-XA	00-11-179	220- 57A-017	REP-XA	00-11-179	220- 57A-155	REP-XA	00-11-179
220- 57-450	REP	00-16-091	220- 57A-017	REP	00-16-091	220- 57A-155	REP	00-16-091
220- 57-455	REP-XA	00-11-179	220- 57A-020	REP-XA	00-11-179	220- 57A-160	REP-XA	00-11-179
220- 57-455	REP	00-16-091	220- 57A-020	REP	00-16-091	220- 57A-160	REP	00-16-091
220- 57-460	REP-XA	00-11-179	220- 57A-025	REP-XA	00-11-179	220- 57A-165	REP-XA	00-11-179
220- 57-460	REP	00-16-091	220- 57A-025	REP	00-16-091	220- 57A-165	REP	00-16-091
220- 57-462	REP-XA	00-11-179	220- 57A-030	REP-XA	00-11-179	220- 57A-170	REP-XA	00-11-179
220- 57-462	REP	00-16-091	220- 57A-030	REP	00-16-091	220- 57A-170	REP	00-16-091
220- 57-465	REP-XA	00-11-179	220- 57A-035	REP-XA	00-11-179	220- 57A-175	REP-XA	00-11-179
220- 57-465	REP	00-16-091	220- 57A-035	REP	00-16-091	220- 57A-175	REP	00-16-091
220- 57-470	REP-XA	00-11-179	220- 57A-037	REP-XA	00-11-179	220- 57A-17500	NEW-E	00-14-050
220- 57-470	REP	00-16-091	220- 57A-037	REP	00-16-091	220- 57A-17500	REP-E	00-14-050
220- 57-473	REP-XA	00-11-179	220- 57A-040	REP-XA	00-11-179	220- 57A-17500	REP-E	00-14-060
220- 57-473	REP	00-16-091	220- 57A-040	REP	00-16-091	220- 57A-17500	NEW-E	00-14-060
220- 57-475	REP-XA	00-11-179	220- 57A-045	REP-XA	00-11-179	220- 57A-17500	REP-E	00-14-060
220- 57-475	REP	00-16-091	220- 57A-045	REP	00-16-091	220- 57A-17500	REP-E	00-15-034
220- 57-480	REP-XA	00-11-179	220- 57A-050	REP-XA	00-11-179	220- 57A-17500	NEW-E	00-15-034
220- 57-480	REP	00-16-091	220- 57A-050	REP	00-16-091	220- 57A-17500	REP-E	00-15-034
220- 57-485	REP-XA	00-11-179	220- 57A-055	REP-XA	00-11-179	220- 57A-180	REP-XA	00-11-179
220- 57-485	REP	00-16-091	220- 57A-055	REP	00-16-091	220- 57A-180	REP	00-16-091
220- 57-490	REP-XA	00-11-179	220- 57A-065	REP-XA	00-11-179	220- 57A-183	REP-XA	00-11-179
220- 57-490	REP	00-16-091	220- 57A-065	REP	00-16-091	220- 57A-183	REP	00-16-091
220- 57-493	REP-XA	00-11-179	220- 57A-070	REP-XA	00-11-179	220- 57A-185	REP-XA	00-11-179
220- 57-493	REP	00-16-091	220- 57A-070	REP	00-16-091	220- 57A-185	REP	00-16-091
220- 57-495	REP-XA	00-11-179	220- 57A-075	REP-XA	00-11-179	220- 57A-190	REP-XA	00-11-179
220- 57-495	REP	00-16-091	220- 57A-075	REP	00-16-091	220- 57A-190	REP	00-16-091
220- 57-497	REP-XA	00-11-179	220- 57A-080	REP-XA	00-11-179	220- 69-236	AMD-P	00-06-084
220- 57-497	REP	00-16-091	220- 57A-080	REP	00-16-091	220- 69-236	AMD	00-11-178
220- 57-500	REP-XA	00-11-179	220- 57A-082	REP-XA	00-11-179	220- 69-24000P	NEW-E	00-10-051
220- 57-500	REP	00-16-091	220- 57A-082	REP	00-16-091	220- 69-24000P	REP-E	00-12-015
220- 57-502	REP-XA	00-11-179	220- 57A-085	REP-XA	00-11-179	220- 69-24000Q	NEW-E	00-12-015
220- 57-502	REP	00-16-091	220- 57A-085	REP	00-16-091	220- 69-24000R	NEW-E	00-13-054
220- 57-505	REP-XA	00-11-179	220- 57A-090	REP-XA	00-11-179	220- 77-090	NEW-P	00-14-008
220- 57-505	REP	00-16-091	220- 57A-090	REP	00-16-091	220- 88B-030	AMD-P	00-13-082
220- 57-50500G	NEW-E	00-08-022	220- 57A-095	REP-XA	00-11-179	220- 88B-040	AMD-P	00-13-082
220- 57-50500G	REP-E	00-12-041	220- 57A-095	REP	00-16-091	220- 88B-04000	NEW-E	00-10-071
220- 57-50500H	NEW-E	00-12-041	220- 57A-100	REP-XA	00-11-179	220- 88B-050	AMD-P	00-13-082
220- 57-50500H	REP-E	00-12-041	220- 57A-100	REP	00-16-091	220- 88B-05000	NEW-E	00-10-071
220- 57-510	REP-XA	00-11-179	220- 57A-105	REP-XA	00-11-179	220- 88B-05000	REP-E	00-10-071
220- 57-510	REP	00-16-091	220- 57A-105	REP	00-16-091	220- 88C-010	NEW-P	00-14-038
220- 57-515	REP-XA	00-11-179	220- 57A-110	REP-XA	00-11-179	220- 88C-01000	NEW-E	00-11-056
220- 57-515	REP	00-16-091	220- 57A-110	REP	00-16-091	220- 88C-020	NEW-P	00-14-038
220- 57-51500S	NEW-E	00-08-022	220- 57A-112	REP-XA	00-11-179	220- 88C-02000	NEW-E	00-11-056
220- 57-51500S	REP-E	00-08-022	220- 57A-112	REP	00-16-091	220- 88C-030	NEW-P	00-14-038
220- 57-51500S	REP-E	00-11-117	220- 57A-115	REP-XA	00-11-179	220- 88C-03000	NEW-E	00-11-056
220- 57-51500T	NEW-E	00-11-117	220- 57A-115	REP	00-16-091	220- 95-013	AMD-P	00-14-021
220- 57-520	REP-XA	00-11-179	220- 57A-120	REP-XA	00-11-179	220- 95-018	AMD-P	00-14-021
220- 57-520	REP	00-16-091	220- 57A-120	REP	00-16-091	220- 95-022	AMD-P	00-14-021
220- 57-525	REP-XA	00-11-179	220- 57A-125	REP-XA	00-11-179	220- 95-032	AMD-P	00-14-021
220- 57-525	REP	00-16-091	220- 57A-125	REP	00-16-091	222- 08-035	AMD-E	00-06-026

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222- 10-010	AMD-E	00-06-026	222- 22-030	AMD-C	00-08-103	224- 12-070	AMD-P	00-15-069
222- 10-020	NEW-C	00-08-103	222- 22-035	NEW-C	00-08-103	224- 12-080	AMD-P	00-15-069
222- 10-030	NEW-E	00-06-026	222- 22-040	AMD-C	00-08-103	230- 02-108	AMD-P	00-04-099
222- 10-030	NEW-C	00-08-103	222- 22-050	AMD-C	00-08-103	230- 02-108	AMD	00-07-140
222- 10-035	NEW-E	00-06-026	222- 22-060	AMD-C	00-08-103	230- 02-109	NEW-P	00-05-101
222- 12-010	AMD-E	00-06-026	222- 22-065	NEW-C	00-08-103	230- 02-109	NEW	00-09-052
222- 12-020	AMD-P	00-08-104	222- 22-070	AMD-E	00-06-026	230- 02-110	AMD-P	00-05-101
222- 12-020	AMD-E	00-12-093	222- 22-070	AMD-C	00-08-103	230- 02-110	AMD	00-09-052
222- 12-041	NEW-E	00-06-026	222- 22-075	NEW-E	00-06-026	230- 02-123	AMD-P	00-04-099
222- 12-044	NEW-E	00-06-026	222- 22-075	NEW-C	00-08-103	230- 02-123	AMD	00-07-140
222- 12-044	NEW-C	00-08-103	222- 22-076	NEW-E	00-06-026	230- 02-183	AMD-P	00-04-099
222- 12-045	AMD-E	00-06-026	222- 22-076	NEW-C	00-08-103	230- 02-183	AMD	00-07-140
222- 12-045	AMD-C	00-08-103	222- 22-080	AMD-E	00-06-026	230- 02-205	AMD	00-05-102
222- 12-090	AMD-E	00-06-026	222- 22-090	AMD-E	00-06-026	230- 02-206	AMD	00-05-102
222- 12-090	AMD-C	00-08-103	222- 22-090	AMD-C	00-08-103	230- 02-380	AMD-W	00-02-067
222- 12-090	AMD-P	00-08-104	222- 24-010	AMD-E	00-06-026	230- 02-400	REP-P	00-05-101
222- 12-090	AMD-E	00-12-093	222- 24-010	AMD-C	00-08-103	230- 02-400	REP	00-09-052
222- 16-010	AMD-E	00-06-026	222- 24-015	NEW-E	00-06-026	230- 02-412	NEW-P	00-11-114
222- 16-010	AMD-C	00-08-103	222- 24-020	AMD-E	00-06-026	230- 02-412	NEW	00-15-039
222- 16-030	AMD-E	00-06-026	222- 24-020	AMD-C	00-08-103	230- 02-415	AMD-P	00-05-101
222- 16-030	AMD-C	00-08-103	222- 24-025	REP-E	00-06-026	230- 02-415	AMD	00-09-052
222- 16-035	AMD-E	00-06-026	222- 24-026	NEW-E	00-06-026	230- 02-425	REP-P	00-05-101
222- 16-036	NEW-E	00-06-026	222- 24-030	AMD-E	00-06-026	230- 02-425	REP	00-09-052
222- 16-050	AMD-E	00-06-026	222- 24-030	AMD-C	00-08-103	230- 02-504	NEW-P	00-12-097
222- 16-050	AMD-C	00-08-103	222- 24-035	AMD-E	00-06-026	230- 02-504	NEW	00-15-048
222- 16-080	AMD-E	00-06-026	222- 24-035	AMD-C	00-08-103	230- 04-022	AMD-P	00-05-101
222- 20-010	AMD-E	00-06-026	222- 24-040	AMD-E	00-06-026	230- 04-022	AMD	00-09-052
222- 20-010	AMD-C	00-08-103	222- 24-040	AMD-C	00-08-103	230- 04-110	AMD-P	00-11-114
222- 20-015	NEW-E	00-06-026	222- 24-050	AMD-E	00-06-026	230- 04-110	AMD	00-15-039
222- 20-015	NEW-C	00-08-103	222- 24-050	AMD-C	00-08-103	230- 04-115	AMD-P	00-11-114
222- 20-020	AMD-E	00-06-026	222- 24-051	NEW-E	00-06-026	230- 04-115	AMD	00-15-039
222- 20-020	AMD-C	00-08-103	222- 24-052	NEW-E	00-06-026	230- 04-119	AMD	00-05-102
222- 20-055	NEW-E	00-06-026	222- 24-060	AMD-E	00-06-026	230- 04-120	AMD-P	00-11-114
222- 20-070	AMD-C	00-08-103	222- 24-060	AMD-C	00-08-103	230- 04-120	AMD	00-15-039
222- 20-080	AMD-E	00-06-026	222- 30-010	AMD-E	00-06-026	230- 04-124	AMD-P	00-11-114
222- 21-005	NEW-P	00-08-104	222- 30-010	AMD-C	00-08-103	230- 04-124	AMD	00-15-039
222- 21-005	NEW-E	00-12-093	222- 30-020	AMD-E	00-06-026	230- 04-140	AMD-P	00-05-101
222- 21-010	NEW-P	00-08-104	222- 30-020	AMD-C	00-08-103	230- 04-140	AMD	00-09-052
222- 21-010	NEW-E	00-12-093	222- 30-021	NEW-E	00-06-026	230- 04-142	REP-P	00-05-101
222- 21-020	NEW-P	00-08-104	222- 30-022	NEW-E	00-06-026	230- 04-203	AMD-P	00-05-101
222- 21-020	NEW-E	00-12-093	222- 30-023	NEW-E	00-06-026	230- 04-203	AMD-P	00-11-114
222- 21-030	NEW-P	00-08-104	222- 30-040	AMD-E	00-06-026	230- 04-203	AMD	00-15-039
222- 21-030	NEW-E	00-12-093	222- 30-045	NEW-E	00-06-026	230- 04-204	AMD-P	00-05-101
222- 21-035	NEW-P	00-08-104	222- 30-060	AMD-E	00-06-026	230- 04-207	NEW-P	00-05-101
222- 21-035	NEW-E	00-12-093	222- 30-070	AMD-E	00-06-026	230- 04-207	NEW	00-09-052
222- 21-040	NEW-P	00-08-104	222- 30-070	AMD-C	00-08-103	230- 04-255	AMD-P	00-05-101
222- 21-040	NEW-E	00-12-093	222- 30-070	AMD-E	00-12-093	230- 04-255	AMD	00-09-052
222- 21-045	NEW-P	00-08-104	222- 38-010	AMD-E	00-06-026	230- 04-450	AMD-P	00-05-101
222- 21-045	NEW-E	00-12-093	222- 38-020	AMD-E	00-06-026	230- 04-450	AMD	00-09-052
222- 21-050	NEW-P	00-08-104	222- 38-020	AMD-C	00-08-103	230- 08-027	NEW-P	00-05-101
222- 21-050	NEW-E	00-12-093	222- 38-030	AMD-E	00-06-026	230- 08-027	NEW	00-09-052
222- 21-060	NEW-P	00-08-104	222- 38-030	AMD-C	00-08-103	230- 08-040	AMD-P	00-05-101
222- 21-060	NEW-E	00-12-093	222- 38-040	AMD-E	00-06-026	230- 08-040	AMD	00-09-052
222- 21-065	NEW-P	00-08-104	222- 46-012	NEW-E	00-06-026	230- 08-080	AMD-P	00-04-099
222- 21-065	NEW-E	00-12-093	222- 46-055	NEW-C	00-08-103	230- 08-080	AMD	00-07-140
222- 21-070	NEW-P	00-08-104	222- 46-060	AMD-E	00-06-026	230- 08-090	AMD-P	00-05-101
222- 21-070	NEW-E	00-12-093	222- 46-060	AMD-C	00-08-103	230- 08-090	AMD	00-09-052
222- 21-080	NEW-P	00-08-104	222- 46-065	AMD-C	00-08-103	230- 08-100	REP-P	00-04-099
222- 21-080	NEW-E	00-12-093	222- 46-070	AMD-E	00-06-026	230- 08-100	REP	00-07-140
222- 21-090	NEW-P	00-08-104	224- 12	PREP	00-11-181	230- 08-105	AMD-P	00-04-099
222- 21-090	NEW-E	00-12-093	224- 12-010	AMD-P	00-15-069	230- 08-105	AMD	00-07-140

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-08-160	AMD-P	00-05-101	230-40-040	NEW-P	00-05-101	230-40-825	NEW	00-09-052
230-08-160	AMD	00-09-052	230-40-040	NEW	00-09-052	230-40-830	NEW-P	00-05-101
230-12-050	AMD-P	00-04-099	230-40-050	AMD-P	00-05-101	230-40-830	NEW	00-09-052
230-12-050	AMD-P	00-05-101	230-40-050	AMD	00-09-052	230-40-833	NEW-P	00-05-101
230-12-050	AMD	00-07-140	230-40-055	AMD-P	00-07-139	230-40-833	NEW	00-09-052
230-12-050	AMD	00-09-052	230-40-055	AMD	00-11-054	230-40-835	NEW-P	00-05-101
230-12-072	NEW-P	00-05-101	230-40-060	REP-P	00-05-101	230-40-835	NEW	00-09-052
230-12-072	NEW	00-09-052	230-40-060	REP	00-09-052	230-40-840	NEW-P	00-05-101
230-12-073	NEW-P	00-05-101	230-40-070	AMD-P	00-05-101	230-40-840	NEW	00-09-052
230-12-073	NEW	00-09-052	230-40-070	AMD	00-09-052	230-40-845	NEW-P	00-05-101
230-12-074	NEW-P	00-11-113	230-40-120	AMD-P	00-05-101	230-40-845	NEW	00-09-052
230-12-074	NEW	00-15-038	230-40-120	AMD	00-09-052	230-40-850	NEW-P	00-05-101
230-12-078	AMD-P	00-04-099	230-40-125	REP-P	00-05-101	230-40-850	NEW	00-09-052
230-12-078	AMD	00-07-140	230-40-125	AMD	00-09-052	230-40-855	NEW-P	00-05-101
230-12-310	AMD-P	00-05-103	230-40-125	AMD	00-09-087	230-40-855	NEW	00-09-052
230-12-310	AMD	00-09-051	230-40-130	AMD-P	00-05-101	230-40-860	NEW-P	00-05-101
230-12-335	NEW-P	00-11-114	230-40-130	AMD	00-09-052	230-40-860	NEW	00-09-052
230-12-335	NEW	00-15-039	230-40-150	REP-P	00-05-101	230-40-865	NEW-P	00-05-101
230-20-110	REP-P	00-04-099	230-40-150	REP	00-09-052	230-40-865	NEW	00-09-052
230-20-110	REP	00-07-140	230-40-160	REP-P	00-05-101	230-40-870	NEW-P	00-05-101
230-20-120	REP-P	00-04-099	230-40-160	REP	00-09-052	230-40-870	NEW	00-09-052
230-20-120	REP	00-07-140	230-40-200	AMD-P	00-05-101	230-40-875	NEW-P	00-05-101
230-20-220	AMD-P	00-04-099	230-40-200	AMD	00-09-052	230-40-875	NEW	00-09-052
230-20-220	AMD	00-07-140	230-40-225	AMD-P	00-05-101	230-40-880	NEW-P	00-05-101
230-20-243	AMD-P	00-04-099	230-40-225	AMD	00-09-052	230-40-880	NEW	00-09-052
230-20-243	AMD	00-07-140	230-40-400	AMD-P	00-05-101	230-40-885	NEW-P	00-05-101
230-20-244	AMD-P	00-04-099	230-40-400	AMD	00-09-052	230-40-885	NEW	00-09-052
230-20-244	AMD	00-07-140	230-40-550	NEW-P	00-05-101	230-40-890	NEW-P	00-05-101
230-25-030	AMD-P	00-12-097	230-40-550	NEW	00-09-052	230-40-890	NEW	00-09-052
230-25-030	AMD	00-15-048	230-40-552	NEW-P	00-05-101	230-40-895	NEW-P	00-05-101
230-25-040	AMD-P	00-12-097	230-40-552	NEW	00-09-052	230-40-895	NEW	00-09-052
230-25-040	AMD	00-15-048	230-40-554	NEW-P	00-05-101	230-40-897	NEW-P	00-05-101
230-25-070	AMD-P	00-12-097	230-40-554	NEW	00-09-052	230-40-897	NEW	00-09-052
230-25-070	AMD	00-15-048	230-40-556	NEW-P	00-05-101	230-40-900	REP-P	00-05-101
230-25-100	AMD-P	00-12-097	230-40-556	NEW	00-09-052	230-40-900	REP	00-09-052
230-25-100	AMD	00-15-048	230-40-558	NEW-P	00-05-101	230-46-020	AMD-W	00-07-070
230-25-110	AMD-P	00-12-097	230-40-558	NEW	00-09-052	230-46-035	NEW-W	00-07-070
230-25-110	AMD	00-15-048	230-40-560	NEW-P	00-05-101	230-50-010	AMD-P	00-05-101
230-25-120	AMD-P	00-12-097	230-40-560	NEW	00-09-052	230-50-010	AMD	00-09-052
230-25-120	AMD	00-15-048	230-40-562	NEW-P	00-05-101	232-12-001	AMD-XA	00-11-179
230-25-150	AMD-P	00-12-097	230-40-562	NEW	00-09-052	232-12-001	AMD	00-16-091
230-25-150	AMD	00-15-048	230-40-600	NEW-P	00-05-101	232-12-011	AMD	00-04-017
230-25-200	AMD-P	00-12-097	230-40-600	NEW	00-09-052	232-12-011	AMD-P	00-06-083
230-25-200	AMD	00-15-048	230-40-610	NEW-P	00-05-101	232-12-011	AMD-P	00-06-100
230-25-220	AMD-P	00-12-097	230-40-610	NEW	00-09-052	232-12-011	AMD-W	00-07-019
230-25-220	AMD	00-15-048	230-40-615	NEW-P	00-05-101	232-12-011	AMD	00-10-001
230-25-310	AMD-P	00-12-097	230-40-615	NEW	00-09-052	232-12-011	AMD-P	00-14-022
230-25-310	AMD	00-15-048	230-40-800	NEW-P	00-05-101	232-12-01100A	NEW-E	00-10-069
230-25-315	AMD-P	00-12-097	230-40-800	NEW	00-09-052	232-12-014	AMD	00-04-017
230-25-315	AMD	00-15-048	230-40-803	NEW-P	00-05-101	232-12-018	REP	00-08-038
230-25-325	NEW-P	00-12-097	230-40-803	NEW	00-09-052	232-12-047	AMD-P	00-06-088
230-25-325	NEW	00-15-048	230-40-805	NEW-P	00-05-101	232-12-047	AMD	00-11-137
230-30-212	REP-P	00-11-114	230-40-805	NEW	00-09-052	232-12-051	AMD-P	00-06-089
230-30-212	REP	00-15-039	230-40-810	NEW-P	00-05-101	232-12-051	AMD	00-11-137
230-30-213	REP-P	00-11-114	230-40-810	NEW	00-09-052	232-12-054	AMD-P	00-06-090
230-30-213	REP	00-15-039	230-40-815	NEW-P	00-05-101	232-12-054	AMD	00-11-137
230-40-010	AMD-P	00-05-101	230-40-815	NEW	00-09-052	232-12-068	AMD-P	00-06-091
230-40-010	AMD	00-09-052	230-40-820	NEW-P	00-05-101	232-12-068	AMD	00-11-137
230-40-015	REP-P	00-05-101	230-40-820	NEW	00-09-052	232-12-106	NEW-P	00-14-083
230-40-015	REP	00-09-052	230-40-823	NEW-P	00-05-101	232-12-141	AMD-P	00-14-081
230-40-030	AMD-P	00-05-101	230-40-823	NEW	00-09-052	232-12-161	REP-XR	00-08-027
230-40-030	AMD	00-09-052	230-40-825	NEW-P	00-05-101	232-12-161	REP	00-13-090

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232- 12-168	AMD	00-08-038	232- 28-61900D	NEW-E	00-03-041	246- 14-030	NEW	00-10-114
232- 12-18700A	NEW-E	00-16-060	232- 28-61900D	REP-E	00-03-041	246- 14-040	NEW	00-10-114
232- 12-257	AMD-W	00-02-066	232- 28-61900D	REP-E	00-03-055	246- 14-050	NEW	00-10-114
232- 12-257	AMD-P	00-06-094	232- 28-61900E	NEW-E	00-03-055	246- 14-060	NEW	00-10-114
232- 12-257	AMD	00-11-137	232- 28-61900E	REP-E	00-03-055	246- 14-070	NEW	00-10-114
232- 12-31500G	NEW-E	00-04-014	232- 28-61900E	REP-E	00-05-085	246- 14-080	NEW	00-10-114
232- 12-619	AMD	00-08-038	232- 28-61900F	NEW-E	00-05-085	246- 14-090	NEW	00-10-114
232- 12-619	AMD-XA	00-11-179	232- 28-61900F	REP-E	00-05-085	246- 14-100	NEW	00-10-114
232- 12-619	AMD	00-16-091	232- 28-61900G	NEW-E	00-06-008	246- 14-110	NEW	00-10-114
232- 12-61900L	NEW-E	00-10-068	232- 28-61900H	NEW-E	00-07-001	246- 14-120	NEW	00-10-114
232- 12-61900L	REP-E	00-16-067	232- 28-61900I	NEW-E	00-07-073	246- 25-990	PREP-W	00-16-104
232- 12-61900	NEW-E	00-11-002	232- 28-61900I	REP-E	00-07-073	246-100-011	AMD-P	00-12-101
232- 12-61900	REP-E	00-11-002	232- 28-61900J	NEW-E	00-08-006	246-100-016	REP-P	00-12-101
232- 12-61900N	NEW-E	00-16-067	232- 28-61900J	REP-E	00-11-007	246-100-021	AMD-P	00-12-101
232- 16-700	AMD-P	00-06-093	232- 28-61900K	NEW-E	00-08-001	246-100-026	REP-P	00-12-101
232- 16-700	AMD	00-11-137	232- 28-61900K	REP-E	00-08-001	246-100-031	REP-P	00-12-101
232- 28-02201	AMD	00-04-017	232- 28-61900L	NEW-E	00-12-041	246-100-036	AMD-P	00-12-101
232- 28-02202	AMD	00-04-017	232- 28-61900L	REP-E	00-12-041	246-100-041	REP-P	00-12-101
232- 28-02202	AMD-P	00-06-097	232- 28-61900	NEW-E	00-13-089	246-100-042	REP-P	00-12-101
232- 28-02202	AMD	00-11-137	232- 28-61900	REP-E	00-13-089	246-100-043	REP-P	00-12-101
232- 28-02203	AMD	00-04-017	232- 28-61900N	NEW-E	00-14-050	246-100-046	REP-P	00-12-101
232- 28-02204	AMD	00-04-017	232- 28-61900N	REP-E	00-14-050	246-100-071	REP-P	00-12-101
232- 28-02205	AMD	00-04-017	232- 28-61900N	REP-E	00-15-034	246-100-076	REP-P	00-12-101
232- 28-02206	AMD	00-04-017	232- 28-61900P	NEW-E	00-15-031	246-100-081	REP-P	00-12-101
232- 28-02220	AMD	00-04-017	232- 28-61900P	REP-E	00-15-031	246-100-086	REP-P	00-12-101
232- 28-02240	AMD	00-04-017	232- 28-61900Q	NEW-E	00-16-026	246-100-091	REP-P	00-12-101
232- 28-24102	REP	00-04-017	232- 28-61900Q	REP-E	00-16-026	246-100-171	REP-P	00-12-101
232- 28-248	AMD-P	00-06-095	232- 28-61900S	NEW-E	00-16-059	246-100-176	REP-P	00-12-101
232- 28-248	AMD	00-11-137	232- 28-61900S	REP-E	00-16-059	246-100-181	REP-P	00-12-101
232- 28-255	REP	00-04-017	232- 28-620	RECOD-X	00-11-179	246-100-196	REP-P	00-12-101
232- 28-26000A	NEW-E	00-03-025	232- 28-620	RECOD	00-16-091	246-100-201	AMD-P	00-12-101
232- 28-261	REP	00-04-017	232- 28-621	RECOD-X	00-11-179	246-100-216	REP-P	00-12-101
232- 28-262	REP	00-04-017	232- 28-621	RECOD	00-16-091	246-100-217	REP-P	00-12-101
232- 28-263	REP	00-04-017	236- 18-040	AMD	00-06-052	246-100-218	REP-P	00-12-101
232- 28-264	REP-P	00-14-080	236- 18-070	AMD	00-06-052	246-100-231	REP-P	00-12-101
232- 28-266	AMD-P	00-06-096	236- 18-080	AMD	00-06-052	246-100-236	REP-P	00-12-101
232- 28-266	AMD	00-11-137	236- 70-040	AMD	00-08-040	246-100-241	REP-P	00-12-101
232- 28-269	REP	00-04-017	236- 70-050	AMD	00-08-040	246-101-001	NEW-P	00-12-101
232- 28-270	REP	00-04-017	236- 70-060	AMD	00-08-040	246-101-005	NEW-P	00-12-101
232- 28-271	AMD	00-04-017	236- 70-080	AMD	00-08-040	246-101-010	NEW-P	00-12-101
232- 28-272	AMD-P	00-06-099	236-200-010	RECOD	00-08-039	246-101-015	NEW-P	00-12-101
232- 28-272	AMD	00-11-137	236-200-020	RECOD	00-08-039	246-101-101	NEW-P	00-12-101
232- 28-272	AMD-P	00-16-154	236-200-030	RECOD	00-08-039	246-101-105	NEW-P	00-12-101
232- 28-273	AMD-P	00-06-092	236-200-040	RECOD	00-08-039	246-101-110	NEW-P	00-12-101
232- 28-273	AMD	00-11-137	236-200-050	RECOD	00-08-039	246-101-115	NEW-P	00-12-101
232- 28-274	REP-P	00-14-080	236-200-060	RECOD	00-08-039	246-101-120	NEW-P	00-12-101
232- 28-275	AMD	00-04-017	242- 02-052	AMD-P	00-05-021	246-101-201	NEW-P	00-12-101
232- 28-276	NEW-P	00-06-086	242- 02-052	AMD	00-09-094	246-101-205	NEW-P	00-12-101
232- 28-276	NEW	00-11-137	242- 02-255	NEW-P	00-05-021	246-101-210	NEW-P	00-12-101
232- 28-27600A	NEW-E	00-16-009	242- 02-255	NEW	00-09-094	246-101-215	NEW-P	00-12-101
232- 28-277	NEW	00-04-017	242- 02-522	AMD-P	00-05-021	246-101-220	NEW-P	00-12-101
232- 28-278	NEW-P	00-06-087	242- 02-522	AMD	00-09-094	246-101-225	NEW-P	00-12-101
232- 28-278	NEW	00-11-137	242- 02-832	AMD-P	00-05-021	246-101-230	NEW-P	00-12-101
232- 28-27800A	NEW-E	00-16-062	242- 02-832	AMD	00-09-094	246-101-301	NEW-P	00-12-101
232- 28-279	NEW-P	00-06-085	242- 02-834	AMD-P	00-05-021	246-101-305	NEW-P	00-12-101
232- 28-279	NEW	00-11-137	242- 02-834	AMD	00-09-094	246-101-310	NEW-P	00-12-101
232- 28-423	REP-P	00-14-082	242- 04-030	AMD-P	00-05-021	246-101-315	NEW-P	00-12-101
232- 28-424	NEW-P	00-14-082	242- 04-030	AMD	00-09-094	246-101-320	NEW-P	00-12-101
232- 28-515	AMD-P	00-14-081	242- 04-050	AMD-P	00-05-021	246-101-401	NEW-P	00-12-101
232- 28-619	AMD	00-08-038	242- 04-050	AMD	00-09-094	246-101-405	NEW-P	00-12-101
232- 28-619	AMD-XA	00-11-179	246- 14-010	NEW	00-10-114	246-101-410	NEW-P	00-12-101
232- 28-619	AMD	00-16-091	246- 14-020	NEW	00-10-114	246-101-415	NEW-P	00-12-101

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246-101-420	NEW-P	00-12-101	246-243-050	AMD	00-08-013	246-290-72003	NEW	00-15-080
246-101-425	NEW-P	00-12-101	246-243-060	AMD-P	00-04-088	246-290-72004	NEW-P	00-11-164
246-101-501	NEW-P	00-12-101	246-243-060	AMD	00-08-013	246-290-72004	NEW	00-15-080
246-101-505	NEW-P	00-12-101	246-243-080	AMD-P	00-04-088	246-290-72005	NEW-P	00-11-164
246-101-510	NEW-P	00-12-101	246-243-080	AMD	00-08-013	246-290-72005	NEW	00-15-080
246-101-515	NEW-P	00-12-101	246-243-090	AMD-P	00-04-088	246-290-72006	NEW-P	00-11-164
246-101-520	NEW-P	00-12-101	246-243-090	AMD	00-08-013	246-290-72006	NEW	00-15-080
246-101-525	NEW-P	00-12-101	246-243-100	AMD-P	00-04-088	246-290-72007	NEW-P	00-11-164
246-101-601	NEW-P	00-12-101	246-243-100	AMD	00-08-013	246-290-72007	NEW	00-15-080
246-101-605	NEW-P	00-12-101	246-243-110	AMD-P	00-04-088	246-290-72008	NEW-P	00-11-164
246-101-610	NEW-P	00-12-101	246-243-110	AMD	00-08-013	246-290-72008	NEW	00-15-080
246-101-615	NEW-P	00-12-101	246-243-120	AMD-P	00-04-088	246-290-72009	NEW-P	00-11-164
246-101-620	NEW-P	00-12-101	246-243-120	AMD	00-08-013	246-290-72009	NEW	00-15-080
246-101-625	NEW-P	00-12-101	246-243-130	AMD-P	00-04-088	246-290-72010	NEW-P	00-11-164
246-101-630	NEW-P	00-12-101	246-243-130	AMD	00-08-013	246-290-72010	NEW	00-15-080
246-101-635	NEW-P	00-12-101	246-243-140	AMD-P	00-04-088	246-290-72011	NEW-P	00-11-164
246-101-640	NEW-P	00-12-101	246-243-140	AMD	00-08-013	246-290-72011	NEW	00-15-080
246-101-701	NEW-P	00-12-101	246-243-141	NEW-P	00-04-088	246-290-72012	NEW-P	00-11-164
246-101-705	NEW-P	00-12-101	246-243-141	NEW	00-08-013	246-290-72012	NEW	00-15-080
246-101-710	NEW-P	00-12-101	246-243-150	AMD-P	00-04-088	246-292	PREP	00-10-112
246-101-715	NEW-P	00-12-101	246-243-150	AMD	00-08-013	246-323	PREP	00-05-097
246-101-720	NEW-P	00-12-101	246-243-160	AMD-P	00-04-088	246-325	PREP	00-05-097
246-101-725	NEW-P	00-12-101	246-243-160	AMD	00-08-013	246-326	PREP	00-05-097
246-101-730	NEW-P	00-12-101	246-243-170	AMD-P	00-04-088	246-338-001	AMD-P	00-03-073
246-130-001	AMD-P	00-14-063	246-243-170	AMD	00-08-013	246-338-001	AMD	00-06-079
246-130-010	AMD-P	00-14-063	246-243-180	AMD-P	00-04-088	246-338-010	AMD-P	00-03-073
246-130-020	AMD-P	00-14-063	246-243-180	AMD	00-08-013	246-338-010	AMD	00-06-079
246-130-028	NEW-P	00-14-063	246-243-190	AMD-P	00-04-088	246-338-020	AMD-P	00-03-073
246-130-030	AMD-P	00-14-063	246-243-190	AMD	00-08-013	246-338-020	AMD	00-06-079
246-130-040	AMD-P	00-14-063	246-243-195	AMD-P	00-04-088	246-338-022	NEW-P	00-03-073
246-130-060	AMD-P	00-14-063	246-243-195	AMD	00-08-013	246-338-022	NEW	00-06-079
246-130-070	REP-P	00-14-063	246-243-200	AMD-P	00-04-088	246-338-024	NEW-P	00-03-073
246-130-080	NEW-P	00-14-063	246-243-200	AMD	00-08-013	246-338-024	NEW	00-06-079
246-130-090	NEW-P	00-14-063	246-243-203	NEW-P	00-04-088	246-338-026	NEW-P	00-03-073
246-220-007	AMD-P	00-04-088	246-243-203	NEW	00-08-013	246-338-026	NEW	00-06-079
246-220-007	AMD	00-08-013	246-243-210	REP-P	00-04-088	246-338-028	NEW-P	00-03-073
246-220-010	AMD-P	00-04-088	246-243-210	REP	00-08-013	246-338-028	NEW	00-06-079
246-220-010	AMD	00-08-013	246-243-220	AMD-P	00-04-088	246-338-030	REP-P	00-03-073
246-221-020	AMD-P	00-04-088	246-243-220	AMD	00-08-013	246-338-030	REP	00-06-079
246-221-020	AMD	00-08-013	246-243-230	AMD-P	00-04-088	246-338-040	AMD-P	00-03-073
246-221-270	AMD	00-07-085	246-243-230	AMD	00-08-013	246-338-040	AMD	00-06-079
246-232-060	AMD	00-07-085	246-243-250	NEW-P	00-04-088	246-338-050	AMD-P	00-03-073
246-235-075	AMD	00-07-085	246-243-250	NEW	00-08-013	246-338-050	AMD	00-06-079
246-235-080	AMD-P	00-04-088	246-246	PREP-W	00-16-105	246-338-060	AMD-P	00-03-073
246-235-080	AMD	00-08-013	246-246-001	NEW	00-07-085	246-338-060	AMD	00-06-079
246-235-084	NEW-P	00-04-088	246-246-010	NEW	00-07-085	246-338-070	AMD-P	00-03-073
246-235-084	NEW	00-08-013	246-246-020	NEW	00-07-085	246-338-070	AMD	00-06-079
246-235-086	NEW-P	00-04-088	246-246-030	NEW	00-07-085	246-338-080	AMD-P	00-03-073
246-235-086	NEW	00-08-013	246-246-040	NEW	00-07-085	246-338-080	AMD	00-06-079
246-235-090	AMD-P	00-04-088	246-246-050	NEW	00-07-085	246-338-090	AMD-P	00-03-073
246-235-090	AMD	00-08-013	246-246-060	NEW	00-07-085	246-338-090	AMD	00-06-079
246-243-020	AMD-P	00-04-088	246-252-001	AMD-P	00-04-088	246-338-100	AMD-P	00-03-073
246-243-020	AMD	00-08-013	246-252-001	AMD	00-08-013	246-338-100	AMD	00-06-079
246-243-030	AMD-P	00-04-088	246-252-030	AMD-P	00-04-088	246-338-110	AMD-P	00-03-073
246-243-030	AMD	00-08-013	246-252-030	AMD	00-08-013	246-338-110	AMD	00-06-079
246-243-042	NEW-P	00-04-088	246-254-150	AMD-P	00-04-088	246-358-001	AMD	00-06-082
246-243-042	NEW	00-08-013	246-254-150	AMD	00-08-013	246-358-010	AMD	00-06-082
246-243-044	NEW-P	00-04-088	246-290-72001	NEW-P	00-11-164	246-358-020	REP	00-06-082
246-243-044	NEW	00-08-013	246-290-72001	NEW	00-15-080	246-358-025	AMD	00-06-082
246-243-047	NEW-P	00-04-088	246-290-72002	NEW-P	00-11-164	246-358-027	NEW	00-06-082
246-243-047	NEW	00-08-013	246-290-72002	NEW	00-15-080	246-358-029	NEW	00-06-082
246-243-050	AMD-P	00-04-088	246-290-72003	NEW-P	00-11-164	246-358-030	REP	00-06-082

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-358-040	NEW	00-06-082	246-490-065	NEW-P	00-05-098	246-790-100	AMD-P	00-07-084
246-358-045	AMD	00-06-082	246-490-065	NEW	00-11-169	246-790-100	AMD	00-13-009
246-358-055	AMD	00-06-082	246-490-070	NEW-P	00-05-098	246-790-120	AMD-P	00-07-084
246-358-065	AMD	00-06-082	246-490-070	NEW	00-11-169	246-790-120	AMD	00-13-009
246-358-070	NEW	00-06-082	246-562-010	AMD-P	00-11-165	246-790-130	AMD-P	00-07-084
246-358-075	AMD	00-06-082	246-562-010	AMD	00-15-082	246-790-130	AMD	00-13-009
246-358-090	AMD	00-06-082	246-562-020	AMD-P	00-11-165	246-808-105	PREP	00-10-110
246-358-095	AMD	00-06-082	246-562-020	AMD	00-15-082	246-808-105	AMD-P	00-13-094
246-358-100	AMD	00-06-082	246-562-060	AMD-P	00-11-165	246-808-115	PREP	00-10-110
246-358-125	AMD	00-06-082	246-562-060	AMD	00-15-082	246-808-115	AMD-P	00-13-094
246-358-135	AMD	00-06-082	246-562-080	AMD-P	00-11-165	246-808-120	PREP	00-10-110
246-358-140	REP	00-06-082	246-562-080	AMD	00-15-082	246-808-120	REP-P	00-13-094
246-358-145	AMD	00-06-082	246-562-110	AMD-P	00-11-165	246-808-135	PREP	00-10-110
246-358-155	AMD	00-06-082	246-562-110	AMD	00-15-082	246-808-135	AMD-P	00-13-094
246-358-165	AMD	00-06-082	246-562-120	AMD-P	00-11-165	246-808-700	REP-XR	00-04-087
246-358-175	AMD	00-06-082	246-562-120	AMD	00-15-082	246-810-600	NEW	00-03-075A
246-358-600	REP	00-06-082	246-562-140	AMD-P	00-11-165	246-810-610	NEW	00-03-075A
246-358-610	REP	00-06-082	246-562-140	AMD	00-15-082	246-810-620	NEW	00-03-075A
246-358-620	REP	00-06-082	246-562-150	AMD-P	00-11-165	246-810-630	NEW	00-03-075A
246-358-630	REP	00-06-082	246-562-150	AMD	00-15-082	246-810-640	NEW	00-03-075A
246-358-640	REP	00-06-082	246-562-160	NEW-P	00-11-165	246-810-650	NEW	00-03-075A
246-358-650	REP	00-06-082	246-562-160	NEW	00-15-082	246-810-660	NEW	00-03-075A
246-358-660	REP	00-06-082	246-780-001	AMD-P	00-03-074	246-811-090	NEW-P	00-08-100
246-358-670	REP	00-06-082	246-780-001	AMD	00-07-129	246-811-090	NEW	00-12-102
246-358-680	REP	00-06-082	246-780-010	AMD-P	00-03-074	246-811-100	NEW-P	00-08-100
246-361-001	NEW	00-06-082	246-780-010	AMD	00-07-129	246-811-100	NEW	00-12-102
246-361-010	NEW	00-06-082	246-780-020	AMD-P	00-03-074	246-811-110	NEW-P	00-08-100
246-361-020	NEW	00-06-082	246-780-020	AMD	00-07-129	246-811-110	NEW	00-12-102
246-361-025	NEW	00-06-082	246-780-022	NEW-P	00-03-074	246-812-990	AMD	00-07-050
246-361-030	NEW	00-06-082	246-780-022	NEW	00-07-129	246-830-485	NEW	00-07-086
246-361-035	NEW	00-06-082	246-780-025	NEW-P	00-03-074	246-840-299	NEW-P	00-16-107
246-361-045	NEW	00-06-082	246-780-025	NEW	00-07-129	246-840-300	AMD-P	00-16-107
246-361-055	NEW	00-06-082	246-780-028	NEW-P	00-03-074	246-840-305	AMD-P	00-16-107
246-361-065	NEW	00-06-082	246-780-028	NEW	00-07-129	246-840-310	AMD-P	00-16-107
246-361-070	NEW	00-06-082	246-780-030	AMD-P	00-03-074	246-840-315	REP-P	00-16-107
246-361-075	NEW	00-06-082	246-780-030	AMD	00-07-129	246-840-320	AMD-P	00-16-107
246-361-080	NEW	00-06-082	246-780-040	AMD-P	00-03-074	246-840-330	AMD-P	00-16-107
246-361-090	NEW	00-06-082	246-780-040	AMD	00-07-129	246-840-360	AMD-P	00-16-107
246-361-095	NEW	00-06-082	246-780-050	REP-P	00-03-074	246-840-410	AMD-P	00-16-107
246-361-100	NEW	00-06-082	246-780-050	REP	00-07-129	246-840-430	REP-P	00-16-107
246-361-125	NEW	00-06-082	246-780-060	AMD-P	00-03-074	246-840-440	REP-P	00-16-107
246-361-135	NEW	00-06-082	246-780-060	AMD	00-07-129	246-840-500	PREP	00-11-163
246-361-145	NEW	00-06-082	246-780-070	REP-P	00-03-074	246-840-505	PREP	00-11-163
246-361-155	NEW	00-06-082	246-780-070	REP	00-07-129	246-840-510	PREP	00-11-163
246-361-165	NEW	00-06-082	246-790	AMD-P	00-07-084	246-840-520	PREP	00-11-163
246-361-175	NEW	00-06-082	246-790	AMD	00-13-009	246-840-525	PREP	00-11-163
246-361-990	NEW	00-06-082	246-790-010	AMD-P	00-07-084	246-840-530	PREP	00-11-163
246-420-001	REP-P	00-12-101	246-790-010	AMD	00-13-009	246-840-535	PREP	00-11-163
246-420-010	REP-P	00-12-101	246-790-050	AMD-P	00-07-084	246-840-540	PREP	00-11-163
246-420-020	REP-P	00-12-101	246-790-050	AMD	00-13-009	246-840-545	PREP	00-11-163
246-420-030	REP-P	00-12-101	246-790-060	AMD-P	00-07-084	246-840-550	PREP	00-11-163
246-420-040	REP-P	00-12-101	246-790-060	AMD	00-13-009	246-840-555	PREP	00-11-163
246-420-050	REP-P	00-12-101	246-790-065	NEW-P	00-07-084	246-840-560	PREP	00-11-163
246-420-060	REP-P	00-12-101	246-790-065	NEW	00-13-009	246-840-565	PREP	00-11-163
246-490-010	NEW-P	00-05-098	246-790-070	AMD-P	00-07-084	246-840-570	PREP	00-11-163
246-490-010	NEW	00-11-169	246-790-070	AMD	00-13-009	246-840-575	PREP	00-11-163
246-490-020	NEW-P	00-05-098	246-790-080	AMD-P	00-07-084	246-840-700	AMD-P	00-14-062
246-490-020	NEW	00-11-169	246-790-080	AMD	00-13-009	246-840-705	AMD-P	00-14-062
246-490-030	NEW-P	00-05-098	246-790-085	AMD-P	00-07-084	246-840-710	AMD-P	00-14-062
246-490-030	NEW	00-11-169	246-790-085	AMD	00-13-009	246-840-715	REP-P	00-14-062
246-490-055	NEW-P	00-05-098	246-790-090	AMD-P	00-07-084	246-840-830	AMD-P	00-11-166
246-490-055	NEW	00-11-169	246-790-090	AMD	00-13-009	246-840-910	PREP	00-11-158

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
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246-840-930	PREP	00-11-158	246-901-140	NEW-P	00-08-101	246-976-150	REP-P	00-03-075
246-840-940	PREP	00-11-158	246-901-140	NEW	00-15-081	246-976-150	REP	00-08-102
246-840-950	PREP	00-11-158	246-919-475	NEW-P	00-16-109	246-976-151	NEW-P	00-03-075
246-840-960	PREP	00-11-158	246-930-010	PREP	00-08-099	246-976-151	NEW	00-08-102
246-840-970	PREP	00-11-158	246-930-030	PREP	00-08-099	246-976-160	REP-P	00-03-075
246-840-980	PREP	00-11-158	246-930-040	PREP	00-08-099	246-976-160	REP	00-08-102
246-840-990	PREP-W	00-11-153	246-930-200	PREP	00-08-099	246-976-161	NEW-P	00-03-075
246-841-400	PREP	00-03-072	246-930-410	PREP	00-08-099	246-976-161	NEW	00-08-102
246-841-405	PREP	00-11-158	246-939	PREP	00-11-159	246-976-165	REP-P	00-03-075
246-841-410	PREP	00-03-072	246-939-010	NEW-P	00-11-167	246-976-165	REP	00-08-102
246-841-420	PREP	00-03-072	246-939-030	NEW-P	00-11-167	246-976-170	REP-P	00-03-075
246-841-430	PREP	00-03-072	246-939-050	NEW-P	00-11-167	246-976-170	REP	00-08-102
246-841-440	PREP	00-03-072	246-976-001	AMD-P	00-03-075	246-976-171	NEW-P	00-03-075
246-841-450	PREP	00-03-072	246-976-001	AMD	00-08-102	246-976-171	NEW	00-08-102
246-841-460	PREP	00-03-072	246-976-010	AMD-P	00-03-075	246-976-180	REP-P	00-03-075
246-841-470	PREP	00-03-072	246-976-010	AMD	00-08-102	246-976-180	REP	00-08-102
246-841-480	PREP	00-03-072	246-976-020	REP-P	00-03-075	246-976-181	REP-P	00-03-075
246-841-490	PREP	00-03-072	246-976-020	REP	00-08-102	246-976-181	REP	00-08-102
246-841-500	PREP	00-03-072	246-976-021	NEW-P	00-03-075	246-976-182	NEW-P	00-03-075
246-841-510	PREP	00-03-072	246-976-021	NEW	00-08-102	246-976-182	NEW	00-08-102
246-843-072	REP-XR	00-15-078	246-976-025	REP-P	00-03-075	246-976-190	REP-P	00-03-075
246-843-074	REP-XR	00-15-078	246-976-025	REP	00-08-102	246-976-190	REP	00-08-102
246-843-150	PREP	00-13-093	246-976-030	REP-P	00-03-075	246-976-191	NEW-P	00-03-075
246-843-180	PREP	00-13-093	246-976-030	REP	00-08-102	246-976-191	NEW	00-08-102
246-843-330	PREP	00-13-093	246-976-031	NEW-P	00-03-075	246-976-200	REP-P	00-03-075
246-869-220	AMD-P	00-16-108	246-976-031	NEW	00-08-102	246-976-200	REP	00-08-102
246-883-020	AMD	00-06-078	246-976-035	REP-P	00-03-075	246-976-210	REP-P	00-03-075
246-886-025	NEW-E	00-11-168	246-976-035	REP	00-08-102	246-976-210	REP	00-08-102
246-887-160	AMD-P	00-06-080	246-976-040	REP-P	00-03-075	246-976-220	REP-P	00-03-075
246-887-160	AMD	00-10-113	246-976-040	REP	00-08-102	246-976-220	REP	00-08-102
246-901	AMD-P	00-08-101	246-976-041	NEW-P	00-03-075	246-976-230	REP-P	00-03-075
246-901	AMD	00-15-081	246-976-041	NEW	00-08-102	246-976-230	REP	00-08-102
246-901-010	AMD-P	00-08-101	246-976-045	REP-P	00-03-075	246-976-240	REP-P	00-03-075
246-901-010	AMD	00-15-081	246-976-045	REP	00-08-102	246-976-240	REP	00-08-102
246-901-020	AMD-P	00-08-101	246-976-050	REP-P	00-03-075	246-976-260	AMD-P	00-03-075
246-901-020	AMD	00-15-081	246-976-050	REP	00-08-102	246-976-260	AMD	00-08-102
246-901-030	AMD-P	00-08-101	246-976-055	REP-P	00-03-075	246-976-270	AMD-P	00-03-075
246-901-030	AMD	00-15-081	246-976-055	REP	00-08-102	246-976-270	AMD	00-08-102
246-901-035	AMD-P	00-08-101	246-976-060	REP-P	00-03-075	246-976-280	REP-P	00-03-075
246-901-035	AMD	00-15-081	246-976-060	REP	00-08-102	246-976-280	REP	00-08-102
246-901-040	AMD-P	00-08-101	246-976-065	REP-P	00-03-075	246-976-290	AMD-P	00-03-075
246-901-040	AMD	00-15-081	246-976-065	REP	00-08-102	246-976-290	AMD	00-08-102
246-901-050	AMD-P	00-08-101	246-976-070	REP-P	00-03-075	246-976-300	AMD-P	00-03-075
246-901-050	AMD	00-15-081	246-976-070	REP	00-08-102	246-976-300	AMD	00-08-102
246-901-060	AMD-P	00-08-101	246-976-075	REP-P	00-03-075	246-976-310	AMD-P	00-03-075
246-901-060	AMD	00-15-081	246-976-075	REP	00-08-102	246-976-310	AMD	00-08-102
246-901-065	AMD-P	00-08-101	246-976-076	REP-P	00-03-075	246-976-320	AMD-P	00-03-075
246-901-065	AMD	00-15-081	246-976-076	REP	00-08-102	246-976-320	AMD	00-08-102
246-901-070	AMD-P	00-08-101	246-976-077	REP-P	00-03-075	246-976-320	PREP	00-10-111
246-901-070	AMD	00-15-081	246-976-077	REP	00-08-102	246-976-330	AMD-P	00-03-075
246-901-080	AMD-P	00-08-101	246-976-080	REP-P	00-03-075	246-976-330	AMD	00-08-102
246-901-080	AMD	00-15-081	246-976-080	REP	00-08-102	246-976-340	AMD-P	00-03-075
246-901-090	AMD-P	00-08-101	246-976-085	REP-P	00-03-075	246-976-340	AMD	00-08-102
246-901-090	AMD	00-15-081	246-976-085	REP	00-08-102	246-976-350	REP-P	00-03-075
246-901-100	AMD-P	00-08-101	246-976-110	REP-P	00-03-075	246-976-350	REP	00-08-102
246-901-100	AMD	00-15-081	246-976-110	REP	00-08-102	246-976-370	REP-P	00-03-075
246-901-110	REP-P	00-08-101	246-976-120	REP-P	00-03-075	246-976-370	REP	00-08-102
246-901-110	REP	00-15-081	246-976-120	REP	00-08-102	246-976-390	AMD-P	00-03-075
246-901-120	AMD-P	00-08-101	246-976-140	REP-P	00-03-075	246-976-390	AMD	00-08-102
246-901-120	AMD	00-15-081	246-976-140	REP	00-08-102	246-976-390	PREP	00-10-111
246-901-130	AMD-P	00-08-101	246-976-141	NEW-P	00-03-075	246-976-400	AMD-P	00-03-075

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-976-400	AMD	00-08-102	250- 81-050	NEW	00-08-080	260- 75-020	NEW-P	00-03-090
246-976-420	AMD-P	00-03-075	250- 81-060	NEW-P	00-05-084	260- 75-020	NEW	00-07-040
246-976-420	AMD	00-08-102	250- 81-060	NEW	00-08-080	260- 75-030	NEW-P	00-03-090
246-976-430	AMD-P	00-03-075	251- 01-175	AMD-P	00-12-072	260- 75-030	NEW	00-07-040
246-976-430	AMD	00-08-102	251- 01-175	AMD-C	00-16-003	260- 88-010	AMD-P	00-03-093
246-976-440	REP-P	00-03-075	251- 01-345	AMD-P	00-04-053	260- 88-010	AMD	00-07-043
246-976-440	REP	00-08-102	251- 01-345	AMD-W	00-05-060	262- 01-140	NEW	00-06-030
246-976-450	REP-P	00-03-075	251- 01-345	AMD-C	00-06-051	263- 12-016	PREP	00-12-053
246-976-450	REP	00-08-102	251- 01-345	AMD	00-10-027	263- 12-020	PREP	00-12-054
246-976-890	AMD-P	00-03-075	251- 08-075	NEW-P	00-12-074	263- 12-045	PREP	00-12-055
246-976-890	AMD	00-08-102	251- 08-075	NEW	00-16-004	263- 12-050	PREP	00-12-056
246-976-910	AMD-P	00-03-075	251- 08-115	AMD-P	00-04-052	263- 12-051	PREP	00-12-056
246-976-910	AMD	00-08-102	251- 08-115	AMD-C	00-06-050	263- 12-056	PREP	00-12-056
246-976-920	AMD-P	00-03-075	251- 08-115	AMD	00-10-026	263- 12-057	PREP	00-12-056
246-976-920	AMD	00-08-102	251- 09-080	AMD-P	00-04-052	263- 12-058	PREP	00-12-056
246-976-930	AMD-P	00-03-075	251- 09-080	AMD-C	00-06-050	263- 12-059	PREP	00-12-056
246-976-930	AMD	00-08-102	251- 09-080	AMD	00-10-026	263- 12-060	PREP	00-12-057
246-976-940	AMD-P	00-03-075	251- 17-150	AMD-P	00-12-072	263- 12-090	PREP	00-12-058
246-976-940	AMD	00-08-102	251- 17-150	AMD-C	00-16-003	263- 12-093	PREP	00-12-059
246-976-950	AMD-P	00-03-075	251- 19-085	NEW-P	00-06-048	263- 12-095	PREP	00-12-060
246-976-950	AMD	00-08-102	251- 19-085	NEW	00-11-121	263- 12-097	PREP	00-12-061
246-976-960	AMD-P	00-03-075	251- 20-020	AMD-P	00-04-053	263- 12-100	PREP	00-12-062
246-976-960	AMD	00-08-102	251- 20-020	AMD-W	00-05-060	263- 12-115	PREP	00-12-063
246-976-970	AMD-P	00-03-075	251- 20-020	AMD-C	00-06-051	263- 12-120	PREP	00-12-064
246-976-970	AMD	00-08-102	251- 20-020	AMD	00-10-027	263- 12-130	PREP	00-12-065
246-976-990	AMD-P	00-03-075	251- 20-030	AMD-P	00-04-053	263- 12-135	PREP	00-12-066
246-976-990	AMD	00-08-102	251- 20-030	AMD-W	00-05-060	263- 12-140	PREP	00-12-067
250- 44	PREP	00-15-054	251- 20-030	AMD-C	00-06-051	263- 12-145	PREP	00-12-068
250- 66-020	AMD	00-08-081	251- 20-030	AMD	00-10-027	275- 30-010	AMD-E	00-10-065
250- 66-030	AMD	00-08-081	251- 23-040	AMD-P	00-04-052	275- 30-010	AMD-P	00-13-074
250- 66-040	AMD	00-08-081	251- 23-040	AMD-C	00-06-050	275- 30-010	DECOD-P	00-13-074
250- 66-045	NEW	00-08-081	251- 23-040	AMD	00-10-026	275- 30-030	DECOD-P	00-13-074
250- 66-050	AMD	00-08-081	260- 12-180	AMD-P	00-13-004	275- 30-040	DECOD-P	00-13-074
250- 80-010	NEW	00-08-082	260- 24-650	AMD-P	00-13-004	275- 30-060	DECOD-P	00-13-074
250- 80-010	NEW-E	00-08-083	260- 28-230	AMD	00-06-072	275- 30-070	DECOD-P	00-13-074
250- 80-020	NEW	00-08-082	260- 34-030	AMD-P	00-03-088	275- 33-020	DECOD	00-16-078
250- 80-020	NEW-E	00-08-083	260- 34-030	AMD	00-07-038	275- 33-030	DECOD	00-16-078
250- 80-030	NEW	00-08-082	260- 34-080	AMD-P	00-03-088	275- 33-040	DECOD	00-16-078
250- 80-030	NEW-E	00-08-083	260- 34-080	AMD	00-07-038	275- 33-050	DECOD	00-16-078
250- 80-040	NEW	00-08-082	260- 34-090	AMD-P	00-03-088	275- 33-060	DECOD	00-16-078
250- 80-040	NEW-E	00-08-083	260- 34-090	AMD	00-07-038	275- 35	PREP	00-03-028
250- 80-050	NEW	00-08-082	260- 34-100	AMD-P	00-03-088	275- 35-010	REP-P	00-12-103
250- 80-050	NEW-E	00-08-083	260- 34-100	AMD	00-07-038	275- 35-010	REP	00-16-032
250- 80-060	NEW	00-08-082	260- 34-140	AMD-P	00-03-088	275- 35-020	REP-P	00-12-103
250- 80-060	NEW-E	00-08-083	260- 34-140	AMD-W	00-07-037	275- 35-020	REP	00-16-032
250- 80-070	NEW	00-08-082	260- 34-150	AMD-P	00-03-088	275- 35-030	REP-P	00-12-103
250- 80-070	NEW-E	00-08-083	260- 34-150	AMD-W	00-07-037	275- 35-030	REP	00-16-032
250- 80-080	NEW	00-08-082	260- 40-100	AMD-P	00-03-089	275- 35-040	REP-P	00-12-103
250- 80-080	NEW-E	00-08-083	260- 40-100	AMD	00-07-039	275- 35-040	REP	00-16-032
250- 80-090	NEW	00-08-082	260- 44-070	AMD	00-06-071	275- 35-050	REP-P	00-12-103
250- 80-090	NEW-E	00-08-083	260- 48-600	AMD	00-06-070	275- 35-050	REP	00-16-032
250- 80-100	NEW	00-08-082	260- 48-620	AMD	00-06-070	275- 35-060	REP-P	00-12-103
250- 80-100	NEW-E	00-08-083	260- 52-010	AMD	00-06-069	275- 35-060	REP	00-16-032
250- 81-010	NEW-P	00-05-084	260- 52-020	AMD-P	00-13-004	275- 35-070	REP-P	00-12-103
250- 81-010	NEW	00-08-080	260- 52-030	AMD	00-06-069	275- 35-070	REP	00-16-032
250- 81-020	NEW-P	00-05-084	260- 52-040	AMD	00-06-069	275- 35-080	REP-P	00-12-103
250- 81-020	NEW	00-08-080	260- 52-060	AMD-P	00-03-091	275- 35-080	REP	00-16-032
250- 81-030	NEW-P	00-05-084	260- 52-060	AMD	00-07-041	275- 35-100	REP-P	00-12-103
250- 81-030	NEW	00-08-080	260- 52-080	AMD-P	00-13-003	275- 35-100	REP	00-16-032
250- 81-040	NEW-P	00-05-084	260- 70-700	AMD-P	00-03-092	275- 37-010	REP-P	00-11-139
250- 81-040	NEW	00-08-080	260- 70-700	AMD	00-07-042	275- 37-020	REP-P	00-11-139
250- 81-050	NEW-P	00-05-084	260- 72-020	AMD-P	00-13-005	275- 37-030	REP-P	00-11-139

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
275- 54	PREP	00-08-048	296- 17-510	AMD	00-14-052	296- 17-695	AMD	00-14-052
275- 55	PREP	00-08-048	296- 17-521	AMD-P	00-07-138	296- 17-712	AMD-P	00-07-138
275- 57	PREP	00-08-048	296- 17-521	AMD	00-14-052	296- 17-712	AMD	00-14-052
275-110	PREP	00-12-034	296- 17-52102	AMD-P	00-07-138	296- 17-713	AMD-P	00-07-138
284- 02-070	AMD-E	00-08-011	296- 17-52102	AMD	00-14-052	296- 17-713	AMD	00-14-052
284- 30-600	AMD-P	00-13-113	296- 17-52106	AMD-P	00-07-138	296- 17-729	AMD-P	00-07-138
284- 30-610	AMD-P	00-13-113	296- 17-52106	AMD	00-14-052	296- 17-729	AMD	00-14-052
284- 43-120	AMD	00-04-034	296- 17-527	AMD-P	00-07-138	296- 17-740	AMD-P	00-07-138
284- 43-125	NEW	00-04-034	296- 17-527	AMD	00-14-052	296- 17-740	AMD	00-14-052
284- 43-130	AMD-P	00-16-125	296- 17-529	AMD-P	00-07-138	296- 17-748	AMD-P	00-07-138
284- 43-200	AMD	00-04-034	296- 17-529	AMD	00-14-052	296- 17-748	AMD	00-14-052
284- 43-210	AMD	00-04-034	296- 17-537	AMD-P	00-07-138	296- 17-749	AMD-P	00-07-138
284- 43-220	AMD	00-04-034	296- 17-537	AMD	00-14-052	296- 17-749	AMD	00-14-052
284- 43-250	AMD	00-04-034	296- 17-53803	AMD-P	00-07-138	296- 17-751	AMD-P	00-07-138
284- 43-710	AMD	00-04-034	296- 17-53803	AMD	00-14-052	296- 17-751	AMD	00-14-052
284- 43-710	AMD-E	00-08-011	296- 17-542	AMD-P	00-07-138	296- 17-779	AMD-P	00-07-138
284- 43-720	AMD	00-04-034	296- 17-542	AMD	00-14-052	296- 17-779	AMD	00-14-052
284- 43-720	AMD-E	00-08-011	296- 17-544	AMD-P	00-07-138	296- 17-855	AMD-P	00-07-138
284- 43-730	AMD-E	00-08-011	296- 17-544	AMD	00-14-052	296- 17-855	AMD	00-14-052
284- 43-815	NEW-P	00-16-125	296- 17-54401	AMD-P	00-07-138	296- 17-885	AMD-P	00-07-138
284- 43-915	AMD-E	00-08-011	296- 17-54401	AMD	00-14-052	296- 17-885	AMD	00-14-052
284- 43-930	AMD-E	00-08-011	296- 17-54403	NEW-P	00-07-138	296- 17-895	AMD-P	00-07-138
284- 43-945	AMD-E	00-08-011	296- 17-54403	NEW	00-14-052	296- 17-895	AMD	00-14-052
284- 74-300	NEW-P	00-04-090	296- 17-545	AMD-P	00-07-138	296- 17-90401	NEW	00-11-060
284- 74-300	NEW	00-07-069	296- 17-545	AMD	00-14-052	296- 17-90402	NEW	00-11-060
284- 74-310	NEW-P	00-04-090	296- 17-546	AMD-P	00-07-138	296- 17-90403	NEW	00-11-060
284- 74-310	NEW	00-07-069	296- 17-546	AMD	00-14-052	296- 17-90406	NEW	00-11-060
284- 74-320	NEW-P	00-04-090	296- 17-562	AMD-P	00-07-138	296- 17-90408	NEW	00-11-060
284- 74-320	NEW	00-07-069	296- 17-562	AMD	00-14-052	296- 17-90409	NEW	00-11-060
284- 74-330	NEW-P	00-04-090	296- 17-57001	AMD-P	00-07-138	296- 17-90412	NEW	00-11-060
284- 74-330	NEW	00-07-069	296- 17-57001	AMD	00-14-052	296- 17-90415	NEW	00-11-060
284- 74-340	NEW-P	00-04-090	296- 17-583	AMD-P	00-07-138	296- 17-90418	NEW	00-11-060
284- 74-340	NEW	00-07-069	296- 17-583	AMD	00-14-052	296- 17-90421	NEW	00-11-060
284- 74-350	NEW-P	00-04-090	296- 17-58503	AMD-P	00-07-138	296- 17-90424	NEW	00-11-060
284- 74-350	NEW	00-07-069	296- 17-58503	AMD	00-14-052	296- 17-90427	NEW	00-11-060
284- 74-360	NEW-P	00-04-090	296- 17-597	AMD-P	00-07-138	296- 17-90430	NEW	00-11-060
284- 74-360	NEW	00-07-069	296- 17-597	AMD	00-14-052	296- 17-90433	NEW	00-11-060
284- 74-370	NEW-P	00-04-090	296- 17-615	AMD-P	00-07-138	296- 17-90434	NEW	00-11-060
284- 74-370	NEW	00-07-069	296- 17-615	AMD	00-14-052	296- 17-90436	NEW	00-11-060
284- 74-380	NEW-P	00-04-090	296- 17-618	AMD-P	00-07-138	296- 17-90439	NEW	00-11-060
284- 74-380	NEW	00-07-069	296- 17-618	AMD	00-14-052	296- 17-90442	NEW	00-11-060
284- 90-010	AMD-XA	00-16-126	296- 17-643	AMD-P	00-07-138	296- 17-90445	NEW	00-11-060
284- 90-020	AMD-XA	00-16-126	296- 17-643	AMD	00-14-052	296- 17-90448	NEW	00-11-060
284- 90-030	REP-XA	00-16-126	296- 17-649	AMD-P	00-07-138	296- 17-90451	NEW	00-11-060
286- 40-020	AMD	00-05-008	296- 17-649	AMD	00-14-052	296- 17-90463	NEW	00-11-060
296- 15-500	NEW-P	00-10-106	296- 17-66003	AMD-P	00-07-138	296- 17-90466	NEW	00-11-060
296- 15-500	NEW-C	00-14-074	296- 17-66003	AMD	00-14-052	296- 17-90469	NEW	00-11-060
296- 15-510	NEW-P	00-10-106	296- 17-675	AMD-P	00-07-138	296- 17-90472	NEW	00-11-060
296- 15-510	NEW-C	00-14-074	296- 17-675	AMD	00-14-052	296- 17-90475	NEW	00-11-060
296- 17	PREP	00-02-090	296- 17-678	AMD-P	00-07-138	296- 17-90478	NEW	00-11-060
296- 17	PREP	00-11-135	296- 17-678	AMD	00-14-052	296- 17-90481	NEW	00-11-060
296- 17-31011	AMD-P	00-07-138	296- 17-679	AMD-P	00-07-138	296- 17-90484	NEW	00-11-060
296- 17-31011	AMD	00-14-052	296- 17-679	AMD	00-14-052	296- 17-90490	NEW	00-11-060
296- 17-31012	AMD-P	00-07-138	296- 17-686	AMD-P	00-07-138	296- 17-90491	NEW	00-11-060
296- 17-31012	AMD	00-14-052	296- 17-686	AMD	00-14-052	296- 17-90492	NEW	00-11-060
296- 17-31021	AMD-P	00-07-138	296- 17-689	AMD-P	00-07-138	296- 17-90493	NEW	00-11-060
296- 17-31021	AMD	00-14-052	296- 17-689	AMD	00-14-052	296- 17-90494	NEW	00-11-060
296- 17-501	AMD-P	00-07-138	296- 17-690	AMD-P	00-07-138	296- 17-90495	NEW	00-11-060
296- 17-501	AMD	00-14-052	296- 17-690	AMD	00-14-052	296- 17-90496	NEW	00-11-060
296- 17-50601	AMD-P	00-07-138	296- 17-694	AMD-P	00-07-138	296- 17-90497	NEW	00-11-060
296- 17-50601	AMD	00-14-052	296- 17-694	AMD	00-14-052	296- 17-90501	NEW-E	00-16-038
296- 17-510	AMD-P	00-07-138	296- 17-695	AMD-P	00-07-138	296- 17-91201	REP	00-11-060

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-91202	REP	00-11-060	296-19A-210	NEW-P	00-10-106	296-24-82517	REP	00-08-078
296-17-91203	REP	00-11-060	296-19A-220	NEW-P	00-10-106	296-24-82519	REP	00-08-078
296-17-91204	REP	00-11-060	296-19A-230	NEW-P	00-10-106	296-24-82521	REP	00-08-078
296-17-91205	REP	00-11-060	296-19A-240	NEW-P	00-10-106	296-24-82523	REP	00-08-078
296-17-91206	REP	00-11-060	296-19A-250	NEW-P	00-10-106	296-24-82525	REP	00-08-078
296-17-91207	REP	00-11-060	296-19A-260	NEW-P	00-10-106	296-24-82527	REP	00-08-078
296-17-91208	REP	00-11-060	296-19A-270	NEW-P	00-10-106	296-24-82529	REP	00-08-078
296-17-91209	REP	00-11-060	296-19A-280	NEW-P	00-10-106	296-24-82531	REP	00-08-078
296-17-91210	REP	00-11-060	296-19A-290	NEW-P	00-10-106	296-24-82533	REP	00-08-078
296-17-91211	REP	00-11-060	296-19A-300	NEW-P	00-10-106	296-24-82535	REP	00-08-078
296-17-91212	REP	00-11-060	296-19A-310	NEW-P	00-10-106	296-24-82537	REP	00-08-078
296-17-91213	REP	00-11-060	296-19A-320	NEW-P	00-10-106	296-24-82539	REP	00-08-078
296-17-91214	REP	00-11-060	296-19A-330	NEW-P	00-10-106	296-24-82541	REP	00-08-078
296-17-91215	REP	00-11-060	296-19A-340	NEW-P	00-10-106	296-24-82543	REP	00-08-078
296-17-91216	REP	00-11-060	296-19A-350	NEW-P	00-10-106	296-24-82545	REP	00-08-078
296-17-91219	REP	00-11-060	296-19A-360	NEW-P	00-10-106	296-24-84001	REP	00-08-078
296-17-91220	REP	00-11-060	296-19A-370	NEW-P	00-10-106	296-24-84003	REP	00-08-078
296-17-91221	REP	00-11-060	296-19A-380	NEW-P	00-10-106	296-24-84005	REP	00-08-078
296-17-91222	REP	00-11-060	296-19A-390	NEW-P	00-10-106	296-24-84007	REP	00-08-078
296-17-91223	REP	00-11-060	296-19A-400	NEW-P	00-10-106	296-24-84009	REP	00-08-078
296-17-91224	REP	00-11-060	296-19A-410	NEW-P	00-10-106	296-24-84011	REP	00-08-078
296-17-91225	REP	00-11-060	296-19A-420	NEW-P	00-10-106	296-24-84013	REP	00-08-078
296-17-91250	REP	00-11-060	296-19A-430	NEW-P	00-10-106	296-24-860	NEW	00-08-078
296-17-914	REP	00-11-060	296-19A-440	NEW-P	00-10-106	296-24-86005	NEW	00-08-078
296-17-91402	REP	00-11-060	296-19A-450	NEW-P	00-10-106	296-24-86010	NEW	00-08-078
296-17-91403	REP	00-11-060	296-19A-460	NEW-P	00-10-106	296-24-86015	NEW	00-08-078
296-17-91404	REP	00-11-060	296-19A-470	NEW-P	00-10-106	296-24-86020	NEW	00-08-078
296-17-91405	REP	00-11-060	296-19A-480	NEW-P	00-10-106	296-24-861	NEW	00-08-078
296-17-91406	REP	00-11-060	296-20-022	AMD-P	00-05-111	296-24-86105	NEW	00-08-078
296-17-919	REP	00-11-060	296-20-022	AMD	00-09-078	296-24-86110	NEW	00-08-078
296-18A	PREP	00-05-002	296-20-12401	NEW-P	00-05-111	296-24-86115	NEW	00-08-078
296-18A-420	REP-P	00-10-106	296-20-12401	NEW	00-09-078	296-24-86120	NEW	00-08-078
296-18A-440	REP-P	00-10-106	296-20-135	AMD-P	00-05-112	296-24-86125	NEW	00-08-078
296-18A-445	REP-P	00-10-106	296-20-135	AMD	00-09-077	296-24-86130	NEW	00-08-078
296-18A-450	REP-P	00-10-106	296-21-290	AMD-P	00-05-111	296-24-862	NEW	00-08-078
296-18A-460	REP-P	00-10-106	296-21-290	AMD	00-09-078	296-24-870	REP	00-08-078
296-18A-470	REP-P	00-10-106	296-23-220	AMD-P	00-05-112	296-24-87001	REP	00-08-078
296-18A-480	REP-P	00-10-106	296-23-220	AMD	00-09-077	296-24-87009	REP	00-08-078
296-18A-490	REP-P	00-10-106	296-23-230	AMD-P	00-05-112	296-24-87011	REP	00-08-078
296-18A-500	REP-P	00-10-106	296-23-230	AMD	00-09-077	296-24-87013	REP	00-08-078
296-18A-510	REP-P	00-10-106	296-23A-0200	AMD	00-06-027	296-24-87015	REP	00-08-078
296-18A-515	REP-P	00-10-106	296-23A-0210	AMD	00-06-027	296-24-87017	REP	00-08-078
296-18A-520	REP-P	00-10-106	296-23A-0220	AMD	00-06-027	296-24-87019	REP	00-08-078
296-19A	NEW-C	00-14-074	296-23A-0230	AMD-P	00-05-111	296-24-87031	REP	00-08-078
296-19A-010	NEW-P	00-10-106	296-23A-0230	AMD	00-09-078	296-24-87033	REP	00-08-078
296-19A-020	NEW-P	00-10-106	296-23A-0240	AMD	00-06-027	296-24-87035	REP	00-08-078
296-19A-030	NEW-P	00-10-106	296-23B	PREP	00-14-072	296-24-87037	REP	00-08-078
296-19A-040	NEW-P	00-10-106	296-24	PREP	00-05-057	296-24-875	NEW	00-08-078
296-19A-050	NEW-P	00-10-106	296-24	PREP	00-10-046	296-24-87505	NEW	00-08-078
296-19A-060	NEW-P	00-10-106	296-24	PREP	00-12-099	296-24-87510	NEW	00-08-078
296-19A-070	NEW-P	00-10-106	296-24-14519	AMD	00-08-078	296-24-87515	NEW	00-08-078
296-19A-080	NEW-P	00-10-106	296-24-23027	AMD	00-08-078	296-24-880	NEW	00-08-078
296-19A-090	NEW-P	00-10-106	296-24-23533	AMD	00-08-078	296-24-88005	NEW	00-08-078
296-19A-100	NEW-P	00-10-106	296-24-825	REP	00-08-078	296-24-88010	NEW	00-08-078
296-19A-110	NEW-P	00-10-106	296-24-82501	REP	00-08-078	296-24-88015	NEW	00-08-078
296-19A-120	NEW-P	00-10-106	296-24-82503	REP	00-08-078	296-24-88020	NEW	00-08-078
296-19A-130	NEW-P	00-10-106	296-24-82505	REP	00-08-078	296-24-88025	NEW	00-08-078
296-19A-140	NEW-P	00-10-106	296-24-82507	REP	00-08-078	296-24-88030	NEW	00-08-078
296-19A-170	NEW-P	00-10-106	296-24-82509	REP	00-08-078	296-24-88035	NEW	00-08-078
296-19A-180	NEW-P	00-10-106	296-24-82511	REP	00-08-078	296-24-88040	NEW	00-08-078
296-19A-190	NEW-P	00-10-106	296-24-82513	REP	00-08-078	296-24-88045	NEW	00-08-078
296-19A-200	NEW-P	00-10-106	296-24-82515	REP	00-08-078	296-24-88050	NEW	00-08-078

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-24-88055	NEW	00-08-078	296-31-090	REP	00-03-056	296-62-05176	NEW	00-12-024
296-24-885	REP	00-08-078	296-32-240	PREP	00-14-073	296-62-07105	AMD-XA	00-16-151
296-24-88501	REP	00-08-078	296-45-52530	PREP	00-14-073	296-62-07117	AMD-XA	00-16-151
296-24-88503	REP	00-08-078	296-46	PREP	00-10-116	296-62-07131	AMD-XA	00-16-151
296-24-88505	REP	00-08-078	296-46-930	AMD-E	00-06-076	296-62-07150	AMD-XA	00-16-151
296-24-90001	AMD	00-08-078	296-46-930	AMD-E	00-13-102	296-62-07155	AMD-XA	00-16-151
296-24-90003	AMD	00-08-078	296-56-60005	AMD-XA	00-16-150	296-62-07156	AMD-XA	00-16-151
296-24-90005	AMD	00-08-078	296-56-60057	AMD-XA	00-16-150	296-62-07162	AMD-XA	00-16-151
296-24-90007	AMD	00-08-078	296-56-60073	AMD-XA	00-16-150	296-62-07190	AMD-XA	00-16-151
296-24-90009	AMD	00-08-078	296-56-60077	AMD-XA	00-16-150	296-62-07255	AMD-XA	00-16-151
296-27-150	REP-P	00-05-058	296-56-60083	AMD-XA	00-16-150	296-62-07515	AMD	00-06-075
296-27-150	REP	00-11-098	296-56-60098	AMD-XA	00-16-150	296-62-07709	AMD	00-06-075
296-27-160	REP-P	00-05-058	296-56-60103	AMD-XA	00-16-150	296-62-07713	AMD	00-06-075
296-27-160	REP	00-11-098	296-56-60107	AMD-XA	00-16-150	296-62-07722	AMD	00-06-075
296-27-16001	REP-P	00-05-058	296-56-60109	AMD-XA	00-16-150	296-62-07727	AMD	00-06-075
296-27-16001	REP	00-11-098	296-56-60111	AMD-XA	00-16-150	296-62-07745	AMD	00-06-075
296-27-16002	REP-P	00-05-058	296-56-60115	AMD-XA	00-16-150	296-65-003	AMD	00-06-075
296-27-16002	REP	00-11-098	296-56-60123	AMD-XA	00-16-150	296-67	PREP	00-10-045
296-27-16003	REP-P	00-05-058	296-56-60133	AMD-XA	00-16-150	296-79	PREP	00-10-045
296-27-16003	REP	00-11-098	296-56-60209	AMD-XA	00-16-150	296-81-005	REP-P	00-14-041
296-27-16004	REP-P	00-05-058	296-56-60211	AMD-XA	00-16-150	296-81-006	REP-P	00-14-041
296-27-16004	REP	00-11-098	296-56-60215	AMD-XA	00-16-150	296-81-007	REP-P	00-14-041
296-27-16007	REP-P	00-05-058	296-56-60217	AMD-XA	00-16-150	296-81-008	REP-P	00-14-041
296-27-16007	REP	00-11-098	296-56-60219	AMD-XA	00-16-150	296-81-009	REP-P	00-14-041
296-27-16011	REP-P	00-05-058	296-56-60223	AMD-XA	00-16-150	296-81-200	REP-P	00-14-041
296-27-16011	REP	00-11-098	296-56-60233	AMD-XA	00-16-150	296-81-240	REP-P	00-14-041
296-27-16018	REP-P	00-05-058	296-56-60235	AMD-XA	00-16-150	296-81-275	REP-P	00-14-041
296-27-16018	REP	00-11-098	296-56-60237	AMD-XA	00-16-150	296-81-277	REP-P	00-14-041
296-27-16020	REP-P	00-05-058	296-56-60243	AMD-XA	00-16-150	296-81-280	REP-P	00-14-041
296-27-16020	REP	00-11-098	296-62	PREP	00-10-045	296-81-290	REP-P	00-14-041
296-27-16022	REP-P	00-05-058	296-62	PREP	00-10-046	296-81-300	REP-P	00-14-041
296-27-16022	REP	00-11-098	296-62	PREP	00-13-091	296-81-306	REP-P	00-14-041
296-27-16026	REP-P	00-05-058	296-62	PREP	00-13-092	296-81-310	REP-P	00-14-041
296-27-16026	REP	00-11-098	296-62-051	NEW-C	00-04-075	296-81-315	REP-P	00-14-041
296-30-010	AMD-P	00-02-091	296-62-051	NEW	00-12-024	296-81-320	REP-P	00-14-041
296-30-010	AMD	00-10-003	296-62-05101	NEW-C	00-04-075	296-81-325	REP-P	00-14-041
296-30-080	AMD	00-03-056	296-62-05101	NEW	00-12-024	296-81-330	REP-P	00-14-041
296-30-081	AMD	00-03-056	296-62-05103	NEW-C	00-04-075	296-81-335	REP-P	00-14-041
296-30-085	NEW	00-03-056	296-62-05103	NEW	00-12-024	296-81-340	REP-P	00-14-041
296-30-090	NEW	00-03-056	296-62-05105	NEW-C	00-04-075	296-81-345	REP-P	00-14-041
296-30-095	NEW	00-03-056	296-62-05105	NEW	00-12-024	296-81-350	REP-P	00-14-041
296-30-100	NEW	00-03-056	296-62-05110	NEW-C	00-04-075	296-81-355	REP-P	00-14-041
296-30-105	NEW	00-03-056	296-62-05110	NEW	00-12-024	296-81-360	REP-P	00-14-041
296-30-120	AMD	00-03-056	296-62-05120	NEW-C	00-04-075	296-81-365	REP-P	00-14-041
296-30-130	AMD-P	00-02-091	296-62-05120	NEW	00-12-024	296-81-370	REP-P	00-14-041
296-30-130	AMD	00-10-003	296-62-05122	NEW-C	00-04-075	296-81-990	REP-P	00-14-041
296-30-170	AMD	00-03-056	296-62-05122	NEW	00-12-024	296-81-991	REP-P	00-14-041
296-30-180	AMD	00-03-056	296-62-05130	NEW-C	00-04-075	296-82-010	REP-P	00-14-041
296-31-012	AMD-P	00-02-091	296-62-05130	NEW	00-12-024	296-82-016	REP-P	00-14-041
296-31-012	AMD	00-10-003	296-62-05140	NEW-C	00-04-075	296-82-019	REP-P	00-14-041
296-31-020	REP-P	00-02-091	296-62-05140	NEW	00-12-024	296-82-022	REP-P	00-14-041
296-31-020	REP	00-10-003	296-62-05150	NEW-C	00-04-075	296-82-025	REP-P	00-14-041
296-31-030	AMD	00-03-056	296-62-05150	NEW	00-12-024	296-82-028	REP-P	00-14-041
296-31-035	NEW	00-03-056	296-62-05160	NEW-C	00-04-075	296-82-031	REP-P	00-14-041
296-31-045	NEW	00-03-056	296-62-05160	NEW	00-12-024	296-82-034	REP-P	00-14-041
296-31-050	REP	00-03-056	296-62-05170	NEW-C	00-04-075	296-82-037	REP-P	00-14-041
296-31-055	NEW	00-03-056	296-62-05170	NEW-W	00-12-029	296-82-040	REP-P	00-14-041
296-31-056	NEW	00-03-056	296-62-05172	NEW-C	00-04-075	296-82-045	REP-P	00-14-041
296-31-057	NEW	00-03-056	296-62-05172	NEW	00-12-024	296-82-048	REP-P	00-14-041
296-31-058	NEW	00-03-056	296-62-05174	NEW-C	00-04-075	296-82-051	REP-P	00-14-041
296-31-070	AMD	00-03-056	296-62-05174	NEW	00-12-024	296-82-054	REP-P	00-14-041
296-31-074	NEW	00-03-056	296-62-05176	NEW-C	00-04-075	296-82-057	REP-P	00-14-041

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-96-23427	NEW-P	00-14-041	296-115-001	AMD-XA	00-12-100	296-127-01325	NEW-P	00-11-136
296-96-23429	NEW-P	00-14-041	296-115-005	AMD-XA	00-12-100	296-127-01325	NEW	00-15-077
296-96-23431	NEW-P	00-14-041	296-115-010	AMD-XA	00-12-100	296-127-01327	NEW-E	00-07-123
296-96-23432	NEW-P	00-14-041	296-115-015	AMD-XA	00-12-100	296-127-01327	NEW-P	00-11-136
296-96-23434	NEW-P	00-14-041	296-115-025	AMD-XA	00-12-100	296-127-01327	NEW	00-15-077
296-96-23436	NEW-P	00-14-041	296-115-030	AMD-XA	00-12-100	296-127-01328	NEW-E	00-07-123
296-96-23438	NEW-P	00-14-041	296-115-035	AMD-XA	00-12-100	296-127-01328	NEW-P	00-11-136
296-96-23440	NEW-P	00-14-041	296-115-040	AMD-XA	00-12-100	296-127-01328	NEW	00-15-077
296-96-23442	NEW-P	00-14-041	296-115-050	AMD-XA	00-12-100	296-127-01329	NEW-E	00-07-123
296-96-23444	NEW-P	00-14-041	296-115-060	AMD-XA	00-12-100	296-127-01329	NEW-P	00-11-136
296-96-23446	NEW-P	00-14-041	296-115-070	AMD-XA	00-12-100	296-127-01329	NEW	00-15-077
296-96-23448	NEW-P	00-14-041	296-115-100	AMD-XA	00-12-100	296-127-01331	NEW-E	00-07-123
296-96-23450	NEW-P	00-14-041	296-127	PREP	00-07-122	296-127-01331	NEW-P	00-11-136
296-96-23500	NEW-P	00-14-041	296-127	PREP	00-15-074	296-127-01331	NEW	00-15-077
296-96-23510	NEW-P	00-14-041	296-127-013	AMD-E	00-07-123	296-127-01332	NEW-E	00-07-123
296-96-23540	NEW-P	00-14-041	296-127-013	AMD-P	00-11-136	296-127-01332	NEW-P	00-11-136
296-96-23600	NEW-P	00-14-041	296-127-013	AMD	00-15-077	296-127-01332	NEW	00-15-077
296-96-23610	NEW-P	00-14-041	296-127-01301	NEW-E	00-07-123	296-127-01333	NEW-E	00-07-123
296-96-23620	NEW-P	00-14-041	296-127-01301	NEW-P	00-11-136	296-127-01333	NEW-P	00-11-136
296-96-23630	NEW-P	00-14-041	296-127-01301	NEW	00-15-077	296-127-01333	NEW	00-15-077
296-96-23700	NEW-P	00-14-041	296-127-01303	NEW-E	00-07-123	296-127-01333	NEW-E	00-07-123
296-96-23710	NEW-P	00-14-041	296-127-01303	NEW-P	00-11-136	296-127-01335	NEW-P	00-11-136
296-96-23800	NEW-P	00-14-041	296-127-01303	NEW	00-15-077	296-127-01335	NEW	00-15-077
296-96-23810	NEW-P	00-14-041	296-127-01305	NEW-E	00-07-123	296-127-01337	NEW-E	00-07-123
296-100-001	REP-P	00-14-041	296-127-01305	NEW-P	00-11-136	296-127-01337	NEW-P	00-11-136
296-100-010	REP-P	00-14-041	296-127-01305	NEW	00-15-077	296-127-01337	NEW	00-15-077
296-100-020	REP-P	00-14-041	296-127-01306	NEW-E	00-07-123	296-127-01339	NEW-E	00-07-123
296-100-030	REP-P	00-14-041	296-127-01306	NEW-P	00-11-136	296-127-01339	NEW-P	00-11-136
296-100-040	REP-P	00-14-041	296-127-01306	NEW	00-15-077	296-127-01339	NEW	00-15-077
296-100-050	REP-P	00-14-041	296-127-01308	NEW-E	00-07-123	296-127-01340	NEW-E	00-07-123
296-100-060	REP-P	00-14-041	296-127-01308	NEW-P	00-11-136	296-127-01340	NEW-P	00-11-136
296-104	PREP	00-10-002	296-127-01308	NEW	00-15-077	296-127-01340	NEW	00-15-077
296-104-010	PREP	00-10-002	296-127-01309	NEW-E	00-07-123	296-127-01342	NEW-E	00-07-123
296-104-010	AMD-P	00-16-149	296-127-01309	NEW-P	00-11-136	296-127-01342	NEW-P	00-11-136
296-104-102	PREP	00-10-002	296-127-01309	NEW	00-15-077	296-127-01342	NEW	00-15-077
296-104-180	PREP	00-10-002	296-127-01310	NEW-E	00-07-123	296-127-01344	NEW-E	00-07-123
296-104-200	PREP	00-10-002	296-127-01310	NEW-P	00-11-136	296-127-01344	NEW-P	00-11-136
296-104-200	AMD-P	00-16-149	296-127-01310	NEW	00-15-077	296-127-01344	NEW	00-15-077
296-104-205	PREP	00-10-002	296-127-01312	NEW-E	00-07-123	296-127-01346	NEW-E	00-07-123
296-104-205	AMD-P	00-16-149	296-127-01312	NEW-P	00-11-136	296-127-01346	NEW-P	00-11-136
296-104-210	PREP	00-10-002	296-127-01312	NEW	00-15-077	296-127-01346	NEW	00-15-077
296-104-210	AMD-P	00-16-149	296-127-01313	NEW-P	00-11-136	296-127-01347	NEW-E	00-07-123
296-104-215	PREP	00-10-002	296-127-01313	NEW	00-15-077	296-127-01347	NEW-P	00-11-136
296-104-215	AMD-P	00-16-149	296-127-01315	NEW-E	00-07-123	296-127-01347	NEW	00-15-077
296-104-220	PREP	00-10-002	296-127-01315	NEW-P	00-11-136	296-127-01349	NEW-E	00-07-123
296-104-220	AMD-P	00-16-149	296-127-01315	NEW	00-15-077	296-127-01349	NEW-P	00-11-136
296-104-230	PREP	00-10-002	296-127-01317	NEW-E	00-07-123	296-127-01349	NEW	00-15-077
296-104-230	AMD-P	00-16-149	296-127-01317	NEW-P	00-11-136	296-127-01351	NEW-E	00-07-123
296-104-235	PREP	00-10-002	296-127-01317	NEW	00-15-077	296-127-01351	NEW-P	00-11-136
296-104-235	AMD-P	00-16-149	296-127-01318	NEW-E	00-07-123	296-127-01351	NEW	00-15-077
296-104-240	PREP	00-10-002	296-127-01318	NEW-P	00-11-136	296-127-01352	NEW-E	00-07-123
296-104-240	AMD-P	00-16-149	296-127-01318	NEW	00-15-077	296-127-01352	NEW-P	00-11-136
296-104-245	PREP	00-10-002	296-127-01320	NEW-E	00-07-123	296-127-01352	NEW	00-15-077
296-104-265	PREP	00-10-002	296-127-01320	NEW-P	00-11-136	296-127-01354	NEW-E	00-07-123
296-104-265	AMD-P	00-16-149	296-127-01320	NEW	00-15-077	296-127-01354	NEW-P	00-11-136
296-104-307	AMD-P	00-16-149	296-127-01322	NEW-E	00-07-123	296-127-01354	NEW	00-15-077
296-104-502	PREP	00-10-002	296-127-01322	NEW-P	00-11-136	296-127-01356	NEW-E	00-07-123
296-104-502	AMD-P	00-16-149	296-127-01322	NEW	00-15-077	296-127-01356	NEW-P	00-11-136
296-104-700	PREP	00-10-002	296-127-01323	NEW-E	00-07-123	296-127-01356	NEW	00-15-077
296-104-700	AMD-P	00-16-149	296-127-01323	NEW-P	00-11-136	296-127-01358	NEW-E	00-07-123
296-104-701	PREP	00-10-002	296-127-01323	NEW	00-15-077	296-127-01358	NEW-P	00-11-136
296-104-701	AMD-P	00-16-149	296-127-01325	NEW-E	00-07-123	296-127-01358	NEW	00-15-077

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-127-01360	NEW-E	00-07-123	296-150C-0970	AMD-P	00-13-103	296-307-16003	REP	00-06-081
296-127-01360	NEW-P	00-11-136	296-150C-1070	AMD-P	00-13-103	296-307-16004	REP	00-06-081
296-127-01360	NEW	00-15-077	296-150C-1175	NEW-P	00-13-103	296-307-16005	REP	00-06-081
296-127-01362	NEW-E	00-07-123	296-150C-1346	NEW-P	00-13-103	296-307-16007	REP	00-06-081
296-127-01362	NEW-P	00-11-136	296-150F	PREP	00-06-077	296-307-16009	REP	00-06-081
296-127-01362	NEW	00-15-077	296-150F-0140	AMD-P	00-13-103	296-307-16011	REP	00-06-081
296-127-01364	NEW-E	00-07-123	296-150F-0500	AMD-P	00-13-103	296-307-16013	REP	00-06-081
296-127-01364	NEW-P	00-11-136	296-150F-0630	NEW-P	00-13-103	296-307-16015	REP	00-06-081
296-127-01364	NEW	00-15-077	296-150M	PREP	00-06-077	296-307-16017	REP	00-06-081
296-127-01367	NEW-E	00-07-123	296-150M-0020	AMD-P	00-13-103	296-307-16019	REP	00-06-081
296-127-01367	NEW-P	00-11-136	296-150M-0140	AMD-P	00-13-103	296-307-16021	REP	00-06-081
296-127-01367	NEW	00-15-077	296-150M-0306	AMD-P	00-13-103	296-307-16023	REP	00-06-081
296-127-01369	NEW-E	00-07-123	296-150M-3000	AMD-P	00-13-103	296-307-161	NEW	00-06-081
296-127-01369	NEW-P	00-11-136	296-150P	PREP	00-06-077	296-307-16101	NEW	00-06-081
296-127-01369	NEW	00-15-077	296-150P-0140	AMD-P	00-13-103	296-307-16103	NEW	00-06-081
296-127-01370	NEW-E	00-07-123	296-150P-3000	AMD-P	00-13-103	296-307-16105	NEW	00-06-081
296-127-01370	NEW-P	00-11-136	296-150R	PREP	00-06-077	296-307-16110	NEW	00-06-081
296-127-01370	NEW	00-15-077	296-150R-0140	AMD-P	00-13-103	296-307-16115	NEW	00-06-081
296-127-01372	NEW-E	00-07-123	296-150R-3000	AMD-P	00-13-103	296-307-16120	NEW	00-06-081
296-127-01372	NEW-P	00-11-136	296-150V	PREP	00-06-077	296-307-16125	NEW	00-06-081
296-127-01372	NEW	00-15-077	296-150V-0140	AMD-P	00-13-103	296-307-16130	NEW	00-06-081
296-127-01374	NEW-E	00-07-123	296-150V-0530	AMD-P	00-13-103	296-307-16135	NEW	00-06-081
296-127-01374	NEW-P	00-11-136	296-150V-1180	AMD-P	00-13-103	296-307-16140	NEW	00-06-081
296-127-01374	NEW	00-15-077	296-150V-1220	AMD-P	00-13-103	296-307-16145	NEW	00-06-081
296-127-01375	NEW-E	00-07-123	296-155	PREP	00-04-002	296-307-16150	NEW	00-06-081
296-127-01375	NEW-P	00-11-136	296-155	PREP	00-05-057	296-307-16155	NEW	00-06-081
296-127-01375	NEW	00-15-077	296-155	PREP	00-12-099	296-307-16160	NEW	00-06-081
296-127-01376	NEW-E	00-07-123	296-155	PREP	00-13-091	296-307-16165	NEW	00-06-081
296-127-01376	NEW-P	00-11-136	296-155-110	AMD	00-08-078	296-307-16170	NEW	00-06-081
296-127-01376	NEW	00-15-077	296-155-205	PREP	00-14-073	296-307-16175	NEW	00-06-081
296-127-01377	NEW-E	00-07-123	296-155-24501	AMD-XA	00-08-079	296-307-16180	NEW	00-06-081
296-127-01377	NEW-P	00-11-136	296-155-24501	AMD	00-14-058	296-307-16185	NEW	00-06-081
296-127-01377	NEW	00-15-077	296-155-24503	AMD-XA	00-08-079	296-307-16190	NEW	00-06-081
296-127-01378	NEW-E	00-07-123	296-155-24503	AMD	00-14-058	296-307-163	NEW	00-06-081
296-127-01378	NEW-P	00-11-136	296-155-24505	AMD-XA	00-08-079	296-307-16301	NEW	00-06-081
296-127-01378	NEW	00-15-077	296-155-24505	AMD	00-14-058	296-307-16303	NEW	00-06-081
296-127-01379	NEW-E	00-07-123	296-155-24510	AMD-XA	00-08-079	296-307-16305	NEW	00-06-081
296-127-01379	NEW-P	00-11-136	296-155-24510	AMD	00-14-058	296-307-16310	NEW	00-06-081
296-127-01379	NEW	00-15-077	296-155-24515	AMD-XA	00-08-079	296-307-16315	NEW	00-06-081
296-127-01382	NEW-E	00-07-123	296-155-24515	AMD	00-14-058	296-307-16320	NEW	00-06-081
296-127-01382	NEW-P	00-11-136	296-155-24520	AMD-XA	00-08-079	296-307-16325	NEW	00-06-081
296-127-01382	NEW	00-15-077	296-155-24520	AMD	00-14-058	296-307-16330	NEW	00-06-081
296-127-01384	NEW-E	00-07-123	296-155-24521	AMD-XA	00-08-079	296-307-16335	NEW	00-06-081
296-127-01384	NEW-P	00-11-136	296-155-24521	AMD	00-14-058	296-307-16340	NEW	00-06-081
296-127-01384	NEW	00-15-077	296-155-24525	AMD-XA	00-08-079	296-307-16345	NEW	00-06-081
296-127-01386	NEW-E	00-07-123	296-155-24525	AMD	00-14-058	296-307-16350	NEW	00-06-081
296-127-01386	NEW-P	00-11-136	296-155-305	AMD-E	00-12-018	296-307-16355	NEW	00-06-081
296-127-01386	NEW	00-15-077	296-155-305	PREP	00-14-073	296-307-16360	NEW	00-06-081
296-127-01387	NEW-E	00-07-123	296-155-483	AMD-XA	00-08-079	296-307-16365	NEW	00-06-081
296-127-01387	NEW-P	00-11-136	296-155-483	AMD	00-14-058	296-307-16370	NEW	00-06-081
296-127-01387	NEW	00-15-077	296-155-505	AMD-XA	00-08-079	296-307-16375	NEW	00-06-081
296-127-01389	NEW-E	00-07-123	296-155-505	AMD	00-14-058	296-307-16380	NEW	00-06-081
296-127-01389	NEW-P	00-11-136	296-155-526	NEW-P	00-06-056	296-307-16385	NEW	00-06-081
296-127-01389	NEW	00-15-077	296-155-526	NEW	00-15-028	296-307-16390	NEW	00-06-081
296-127-01391	NEW-E	00-07-123	296-155-625	PREP	00-14-073	296-307-16395	NEW	00-06-081
296-127-01391	NEW-P	00-11-136	296-155-680	AMD-XA	00-08-079	296-350	AMD-P	00-05-058
296-127-01391	NEW	00-15-077	296-155-680	AMD	00-14-058	296-350	AMD	00-11-098
296-127-018	PREP	00-15-075	296-155-682	AMD-P	00-15-076	296-350-010	AMD-P	00-05-058
296-150C	PREP	00-06-077	296-305	PREP	00-10-045	296-350-010	AMD	00-11-098
296-150C-0140	AMD-P	00-13-103	296-307	PREP	00-10-046	296-350-020	REP-P	00-05-058
296-150C-0200	AMD-P	00-13-103	296-307-160	REP	00-06-081	296-350-020	REP	00-11-098
296-150C-0910	AMD-P	00-13-103	296-307-16001	REP	00-06-081	296-350-030	REP-P	00-05-058

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-350-030	REP	00-11-098	296-350-280	REP	00-11-098	296-402-030	REP-P	00-07-137
296-350-040	REP-P	00-05-058	296-350-400	REP-P	00-05-058	296-402-030	REP	00-11-115
296-350-040	REP	00-11-098	296-350-400	REP	00-11-098	296-402-040	REP-P	00-07-137
296-350-050	REP-P	00-05-058	296-350-450	REP-P	00-05-058	296-402-040	REP	00-11-115
296-350-050	REP	00-11-098	296-350-450	REP	00-11-098	296-402-050	REP-P	00-07-137
296-350-060	REP-P	00-05-058	296-350-460	REP-P	00-05-058	296-402-050	REP	00-11-115
296-350-060	REP	00-11-098	296-350-460	REP	00-11-098	296-402-060	REP-P	00-07-137
296-350-070	REP-P	00-05-058	296-350-470	REP-P	00-05-058	296-402-060	REP	00-11-115
296-350-070	REP	00-11-098	296-350-470	REP	00-11-098	296-402-070	REP-P	00-07-137
296-350-080	REP-P	00-05-058	296-350-600	NEW-P	00-05-058	296-402-070	REP	00-11-115
296-350-080	REP	00-11-098	296-350-600	NEW	00-11-098	296-402-080	REP-P	00-07-137
296-350-090	REP-P	00-05-058	296-350-60010	NEW-P	00-05-058	296-402-080	REP	00-11-115
296-350-090	REP	00-11-098	296-350-60010	NEW	00-11-098	296-402-090	REP-P	00-07-137
296-350-095	REP-P	00-05-058	296-350-60015	NEW-P	00-05-058	296-402-090	REP	00-11-115
296-350-095	REP	00-11-098	296-350-60015	NEW	00-11-098	296-402-100	REP-P	00-07-137
296-350-100	NEW-P	00-05-058	296-350-60020	NEW-P	00-05-058	296-402-100	REP	00-11-115
296-350-100	NEW	00-11-098	296-350-60020	NEW	00-11-098	296-402-110	REP-P	00-07-137
296-350-10010	NEW-P	00-05-058	296-350-60025	NEW-P	00-05-058	296-402-110	REP	00-11-115
296-350-10010	NEW	00-11-098	296-350-60025	NEW	00-11-098	296-402-120	REP-P	00-07-137
296-350-10020	NEW-P	00-05-058	296-350-60030	NEW-P	00-05-058	296-402-120	REP	00-11-115
296-350-10020	NEW	00-11-098	296-350-60030	NEW	00-11-098	296-402-130	REP-P	00-07-137
296-350-10030	NEW-P	00-05-058	296-350-60035	NEW-P	00-05-058	296-402-130	REP	00-11-115
296-350-10030	NEW	00-11-098	296-350-60035	NEW	00-11-098	296-402-140	REP-P	00-07-137
296-350-10040	NEW-P	00-05-058	296-350-60040	NEW-P	00-05-058	296-402-140	REP	00-11-115
296-350-10040	NEW	00-11-098	296-350-60040	NEW	00-11-098	296-402-150	REP-P	00-07-137
296-350-10050	NEW-P	00-05-058	296-350-60045	NEW-P	00-05-058	296-402-150	REP	00-11-115
296-350-10050	NEW	00-11-098	296-350-60045	NEW	00-11-098	296-402-160	REP-P	00-07-137
296-350-150	NEW-P	00-05-058	296-350-700	NEW-P	00-05-058	296-402-160	REP	00-11-115
296-350-150	NEW	00-11-098	296-350-700	NEW	00-11-098	296-402-170	REP-P	00-07-137
296-350-15010	NEW-P	00-05-058	296-350-70010	NEW-P	00-05-058	296-402-170	REP	00-11-115
296-350-15010	NEW	00-11-098	296-350-70010	NEW	00-11-098	296-402-180	REP-P	00-07-137
296-350-15015	NEW-P	00-05-058	296-350-70015	NEW-P	00-05-058	296-402-180	REP	00-11-115
296-350-15015	NEW	00-11-098	296-350-70015	NEW	00-11-098	296-402-190	REP-P	00-07-137
296-350-15020	NEW-P	00-05-058	296-350-70020	NEW-P	00-05-058	296-402-190	REP	00-11-115
296-350-15020	NEW	00-11-098	296-350-70020	NEW	00-11-098	296-402-200	REP-P	00-07-137
296-350-15025	NEW-P	00-05-058	296-350-70025	NEW-P	00-05-058	296-402-200	REP	00-11-115
296-350-15025	NEW	00-11-098	296-350-70025	NEW	00-11-098	296-402A-010	NEW-P	00-07-137
296-350-15030	NEW-P	00-05-058	296-350-70030	NEW-P	00-05-058	296-402A-010	NEW	00-11-115
296-350-15030	NEW	00-11-098	296-350-70030	NEW	00-11-098	296-402A-020	NEW-P	00-07-137
296-350-15035	NEW-P	00-05-058	296-350-70035	NEW-P	00-05-058	296-402A-020	NEW	00-11-115
296-350-15035	NEW	00-11-098	296-350-70035	NEW	00-11-098	296-402A-030	NEW-P	00-07-137
296-350-15040	NEW-P	00-05-058	296-350-70040	NEW-P	00-05-058	296-402A-030	NEW	00-11-115
296-350-15040	NEW	00-11-098	296-350-70040	NEW	00-11-098	296-402A-040	NEW-P	00-07-137
296-350-15045	NEW-P	00-05-058	296-350-70045	NEW-P	00-05-058	296-402A-040	NEW	00-11-115
296-350-15045	NEW	00-11-098	296-350-70045	NEW	00-11-098	296-402A-050	NEW-P	00-07-137
296-350-200	REP-P	00-05-058	296-350-70050	NEW-P	00-05-058	296-402A-050	NEW	00-11-115
296-350-200	REP	00-11-098	296-350-70050	NEW	00-11-098	296-402A-060	NEW-P	00-07-137
296-350-210	REP-P	00-05-058	296-350-70055	NEW-P	00-05-058	296-402A-060	NEW	00-11-115
296-350-210	REP	00-11-098	296-350-70055	NEW	00-11-098	296-402A-070	NEW-P	00-07-137
296-350-230	REP-P	00-05-058	296-350-70060	NEW-P	00-05-058	296-402A-070	NEW	00-11-115
296-350-230	REP	00-11-098	296-350-70060	NEW	00-11-098	296-402A-080	NEW-P	00-07-137
296-350-240	REP-P	00-05-058	296-350-70065	NEW-P	00-05-058	296-402A-080	NEW	00-11-115
296-350-240	REP	00-11-098	296-350-70065	NEW	00-11-098	296-402A-090	NEW-P	00-07-137
296-350-250	REP-P	00-05-058	296-350-70070	NEW-P	00-05-058	296-402A-090	NEW	00-11-115
296-350-250	REP	00-11-098	296-350-70070	NEW	00-11-098	296-402A-100	NEW-P	00-07-137
296-350-255	REP-P	00-05-058	296-401A	PREP	00-10-116	296-402A-100	NEW	00-11-115
296-350-255	REP	00-11-098	296-401A-140	AMD-E	00-06-076	296-402A-110	NEW-P	00-07-137
296-350-260	REP-P	00-05-058	296-401A-140	AMD-E	00-13-102	296-402A-110	NEW	00-11-115
296-350-260	REP	00-11-098	296-402-010	REP-P	00-07-137	296-402A-130	NEW-P	00-07-137
296-350-270	REP-P	00-05-058	296-402-010	REP	00-11-115	296-402A-130	NEW	00-11-115
296-350-270	REP	00-11-098	296-402-020	REP-P	00-07-137	296-402A-140	NEW-P	00-07-137
296-350-280	REP-P	00-05-058	296-402-020	REP	00-11-115	296-402A-140	NEW	00-11-115

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-402A-150	NEW-P	00-07-137	296-402A-470	NEW-P	00-07-137	304- 20	AMD	00-11-028
296-402A-150	NEW	00-11-115	296-402A-470	NEW	00-11-115	304- 20-005	NEW	00-11-028
296-402A-160	NEW-P	00-07-137	296-402A-480	NEW-P	00-07-137	304- 20-010	AMD	00-11-028
296-402A-160	NEW	00-11-115	296-402A-480	NEW	00-11-115	304- 20-020	REP	00-11-028
296-402A-170	NEW-P	00-07-137	296-402A-490	NEW-P	00-07-137	304- 20-030	REP	00-11-028
296-402A-170	NEW	00-11-115	296-402A-490	NEW	00-11-115	304- 20-040	REP	00-11-028
296-402A-180	NEW-P	00-07-137	296-402A-500	NEW-P	00-07-137	304- 20-050	AMD	00-11-028
296-402A-180	NEW	00-11-115	296-402A-500	NEW	00-11-115	304- 20-060	AMD	00-11-028
296-402A-190	NEW-P	00-07-137	296-402A-510	NEW-P	00-07-137	304- 20-065	NEW	00-11-028
296-402A-190	NEW	00-11-115	296-402A-510	NEW	00-11-115	304- 20-070	AMD	00-11-028
296-402A-200	NEW-P	00-07-137	296-402A-520	NEW-P	00-07-137	304- 20-090	REP	00-11-028
296-402A-200	NEW	00-11-115	296-402A-520	NEW	00-11-115	304- 20-100	REP	00-11-028
296-402A-210	NEW-P	00-07-137	296-402A-530	NEW-P	00-07-137	304- 20-990	REP	00-11-028
296-402A-210	NEW	00-11-115	296-402A-530	NEW	00-11-115	308- 04-020	AMD-P	00-05-014
296-402A-220	NEW-P	00-07-137	296-402A-540	NEW-P	00-07-137	308- 04-020	AMD	00-08-032
296-402A-220	NEW	00-11-115	296-402A-540	NEW	00-11-115	308- 12-321	PREP	00-11-172
296-402A-230	NEW-P	00-07-137	296-402A-550	NEW-P	00-07-137	308- 12-321	AMD-P	00-16-030
296-402A-230	NEW	00-11-115	296-402A-550	NEW	00-11-115	308- 12-322	PREP	00-11-172
296-402A-240	NEW-P	00-07-137	296-402A-560	NEW-P	00-07-137	308- 12-322	AMD-P	00-16-030
296-402A-240	NEW	00-11-115	296-402A-560	NEW	00-11-115	308- 12-323	PREP	00-11-172
296-402A-250	NEW-P	00-07-137	296-402A-570	NEW-P	00-07-137	308- 12-323	AMD-P	00-16-030
296-402A-250	NEW	00-11-115	296-402A-570	NEW	00-11-115	308- 12-324	PREP	00-11-172
296-402A-260	NEW-P	00-07-137	296-402A-580	NEW-P	00-07-137	308- 12-324	AMD-P	00-16-030
296-402A-260	NEW	00-11-115	296-402A-580	NEW	00-11-115	308- 12-325	PREP	00-11-172
296-402A-270	NEW-P	00-07-137	296-402A-590	NEW-P	00-07-137	308- 12-325	AMD-P	00-16-030
296-402A-270	NEW	00-11-115	296-402A-590	NEW	00-11-115	308- 29-010	PREP	00-12-002
296-402A-290	NEW-P	00-07-137	296-402A-600	NEW-P	00-07-137	308- 29-020	PREP	00-12-002
296-402A-290	NEW	00-11-115	296-402A-600	NEW	00-11-115	308- 29-025	PREP	00-12-002
296-402A-300	NEW-P	00-07-137	296-402A-610	NEW-P	00-07-137	308- 29-030	PREP	00-12-002
296-402A-300	NEW	00-11-115	296-402A-610	NEW	00-11-115	308- 29-050	PREP	00-12-002
296-402A-310	NEW-P	00-07-137	296-402A-620	NEW-P	00-07-137	308- 29-060	PREP	00-12-002
296-402A-310	NEW	00-11-115	296-402A-620	NEW	00-11-115	308- 29-070	PREP	00-12-002
296-402A-320	NEW-P	00-07-137	296-402A-630	NEW-P	00-07-137	308- 29-080	PREP	00-12-002
296-402A-320	NEW	00-11-115	296-402A-630	NEW	00-11-115	308- 29-090	PREP	00-12-002
296-402A-330	NEW-P	00-07-137	296-402A-640	NEW-P	00-07-137	308- 29-100	PREP	00-12-002
296-402A-330	NEW	00-11-115	296-402A-640	NEW	00-11-115	308- 29-110	PREP	00-12-002
296-402A-340	NEW-P	00-07-137	296-402A-650	NEW-P	00-07-137	308- 29-120	PREP	00-12-002
296-402A-340	NEW	00-11-115	296-402A-650	NEW	00-11-115	308- 56A	PREP	00-07-092
296-402A-350	NEW-P	00-07-137	296-402A-660	NEW-P	00-07-137	308- 56A-010	AMD-P	00-16-115
296-402A-350	NEW	00-11-115	296-402A-660	NEW	00-11-115	308- 56A-015	REP-P	00-16-115
296-402A-360	NEW-P	00-07-137	296-402A-670	NEW-P	00-07-137	308- 56A-020	PREP	00-07-092
296-402A-360	NEW	00-11-115	296-402A-670	NEW	00-11-115	308- 56A-020	AMD-P	00-16-115
296-402A-370	NEW-P	00-07-137	296-402A-675	NEW	00-11-115	308- 56A-021	PREP	00-07-092
296-402A-370	NEW	00-11-115	296-402A-680	NEW-P	00-07-137	308- 56A-021	AMD-P	00-16-115
296-402A-380	NEW-P	00-07-137	296-402A-680	NEW	00-11-115	308- 56A-022	PREP	00-07-092
296-402A-380	NEW	00-11-115	296-402A-690	NEW-P	00-07-137	308- 56A-022	REP-P	00-16-115
296-402A-390	NEW-P	00-07-137	296-402A-690	NEW	00-11-115	308- 56A-023	PREP	00-07-092
296-402A-390	NEW	00-11-115	296-403	PREP	00-10-116	308- 56A-023	REP-P	00-16-115
296-402A-400	NEW-P	00-07-137	304- 12-030	AMD	00-11-028	308- 56A-090	PREP	00-07-092
296-402A-400	NEW	00-11-115	304- 12-035	REP	00-11-028	308- 56A-090	AMD-P	00-16-115
296-402A-410	NEW-P	00-07-137	304- 12-040	REP	00-11-028	308- 56A-335	PREP	00-09-018
296-402A-410	NEW	00-11-115	304- 12-047	NEW	00-11-028	308- 56A-355	PREP	00-09-018
296-402A-420	NEW-P	00-07-137	304- 12-050	REP	00-11-028	308- 56A-450	AMD	00-04-046
296-402A-425	NEW-P	00-07-137	304- 12-070	REP	00-11-028	308- 56A-455	AMD	00-04-046
296-402A-430	NEW-P	00-07-137	304- 12-125	AMD	00-11-028	308- 56A-460	AMD	00-06-025
296-402A-430	NEW	00-11-115	304- 12-140	REP	00-11-028	308- 56A-465	REP	00-04-046
296-402A-440	NEW-P	00-07-137	304- 12-145	REP	00-11-028	308- 56A-470	REP	00-04-046
296-402A-440	NEW	00-11-115	304- 12-275	REP	00-11-028	308- 56A-500	AMD	00-06-004
296-402A-450	NEW-P	00-07-137	304- 12-290	REP	00-11-028	308- 56A-500	AMD-P	00-09-007
296-402A-450	NEW	00-11-115	304- 12-360	REP	00-11-028	308- 56A-500	AMD	00-13-083
296-402A-460	NEW-P	00-07-137	304- 12-370	REP	00-11-028	308- 56A-505	AMD	00-06-004
296-402A-460	NEW	00-11-115	304- 12-380	REP	00-11-028	308- 56A-510	REP	00-06-004

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 56A-515	REP	00-06-004	308- 63-040	AMD	00-13-019	308- 72-720	NEW	00-08-032
308- 56A-520	REP	00-06-004	308- 63-050	AMD-P	00-09-069	308- 77	PREP	00-03-037
308- 56A-610	REP	00-06-020	308- 63-050	AMD	00-13-019	308- 77-045	PREP	00-03-037
308- 56A-620	AMD	00-06-020	308- 63-060	AMD-P	00-09-069	308- 77-045	REP-P	00-11-037
308- 56A-620	REP-P	00-09-007	308- 63-060	AMD	00-13-019	308- 77-045	REP	00-16-045
308- 56A-620	REP	00-13-083	308- 63-070	AMD-P	00-09-069	308- 77-155	PREP	00-03-037
308- 56A-640	AMD	00-06-020	308- 63-070	AMD	00-13-019	308- 77-155	AMD-P	00-11-037
308- 56A-650	REP	00-06-020	308- 63-070	AMD	00-13-019	308- 77-155	AMD	00-16-045
308- 56A-660	REP	00-06-020	308- 63-080	AMD-P	00-09-069	308- 77-165	PREP	00-03-037
308- 56A-670	REP	00-06-020	308- 63-080	AMD	00-13-019	308- 77-165	AMD-P	00-11-037
308- 56A-680	REP	00-06-020	308- 63-090	AMD-P	00-09-069	308- 77-165	AMD	00-16-045
308- 56A-690	REP	00-06-020	308- 63-090	AMD	00-13-019	308- 77-170	PREP	00-03-037
308- 57-005	PREP	00-06-001	308- 63-100	AMD-P	00-09-069	308- 77-170	AMD-P	00-11-037
308- 57-005	REP-P	00-09-019	308- 63-100	AMD	00-13-019	308- 77-170	AMD	00-16-045
308- 57-005	REP-W	00-11-041	308- 63-110	AMD-P	00-09-069	308- 77-180	PREP	00-03-037
308- 57-010	PREP	00-06-001	308- 63-110	AMD	00-13-019	308- 77-180	AMD-P	00-11-037
308- 57-010	REP-P	00-09-019	308- 63-120	AMD-P	00-09-069	308- 77-180	AMD	00-16-045
308- 57-010	REP-W	00-11-041	308- 63-120	AMD	00-13-019	308- 77-215	PREP	00-08-062
308- 57-020	PREP	00-06-001	308- 63-130	AMD-P	00-09-069	308- 77-240	PREP	00-03-037
308- 57-020	REP-P	00-09-019	308- 63-130	AMD	00-13-019	308- 77-240	AMD-P	00-11-037
308- 57-020	REP-W	00-11-041	308- 63-140	AMD-P	00-09-069	308- 77-240	AMD	00-16-045
308- 57-030	PREP	00-06-001	308- 63-140	AMD	00-13-019	308- 77-265	PREP	00-03-037
308- 57-030	REP-P	00-09-019	308- 63-150	REP-P	00-09-069	308- 77-265	AMD-P	00-11-037
308- 57-030	REP-W	00-11-041	308- 63-150	REP	00-13-019	308- 77-265	AMD	00-16-045
308- 57-110	PREP	00-06-001	308- 63-160	AMD-P	00-09-069	308- 77-270	PREP	00-03-037
308- 57-110	REP-P	00-09-019	308- 63-160	AMD	00-13-019	308- 77-270	REP-P	00-11-037
308- 57-110	REP-W	00-11-041	308- 65	PREP	00-06-031	308- 77-270	REP	00-16-045
308- 57-120	PREP	00-06-001	308- 65-020	AMD-P	00-09-071	308- 77-280	PREP	00-03-037
308- 57-120	REP-P	00-09-019	308- 65-020	AMD	00-13-020	308- 77-280	AMD-P	00-11-037
308- 57-120	REP-W	00-11-041	308- 65-030	AMD-P	00-09-071	308- 77-280	AMD	00-16-045
308- 57-130	PREP	00-06-001	308- 65-030	AMD	00-13-020	308- 77-290	NEW-P	00-05-014
308- 57-130	REP-P	00-09-019	308- 65-040	AMD-P	00-09-071	308- 77-290	NEW	00-08-032
308- 57-130	REP-W	00-11-041	308- 65-040	AMD	00-13-020	308- 78-010	PREP	00-08-064
308- 57-135	PREP	00-06-001	308- 65-050	AMD-P	00-09-071	308- 78-100	NEW-P	00-05-014
308- 57-135	REP-P	00-09-019	308- 65-050	AMD	00-13-020	308- 78-100	NEW	00-08-032
308- 57-135	REP-W	00-11-041	308- 65-060	AMD-P	00-09-071	308- 80	PREP	00-06-032
308- 57-140	PREP	00-06-001	308- 65-060	AMD	00-13-020	308- 80-015	AMD-P	00-09-070
308- 57-140	REP-P	00-09-019	308- 65-080	AMD-P	00-09-071	308- 80-015	AMD	00-13-018
308- 57-140	REP-W	00-11-041	308- 65-080	AMD	00-13-020	308- 80-020	AMD-P	00-09-070
308- 57-210	PREP	00-06-001	308- 65-090	AMD-P	00-09-071	308- 80-020	AMD	00-13-018
308- 57-210	REP-P	00-09-019	308- 65-100	AMD	00-13-020	308- 88-010	REP	00-06-024
308- 57-210	REP-W	00-11-041	308- 65-100	AMD-P	00-09-071	308- 88-020	AMD	00-06-024
308- 57-230	PREP	00-06-001	308- 65-110	AMD-P	00-09-071	308- 88-030	REP	00-06-024
308- 57-230	REP-P	00-09-019	308- 65-110	AMD	00-13-020	308- 88-040	REP	00-06-024
308- 57-230	REP-W	00-11-041	308- 65-130	AMD-P	00-09-071	308- 88-050	REP	00-06-024
308- 57-240	PREP	00-06-001	308- 65-130	AMD	00-13-020	308- 88-170	REP	00-06-024
308- 57-240	REP-P	00-09-019	308- 65-140	AMD-P	00-09-071	308- 90	PREP	00-06-033
308- 57-240	REP-W	00-11-041	308- 65-140	AMD	00-13-020	308- 91-090	PREP	00-03-038
308- 57-500	PREP	00-06-001	308- 65-150	AMD-P	00-09-071	308- 91-090	AMD-P	00-11-037
308- 57-500	REP-P	00-09-019	308- 65-150	AMD	00-13-020	308- 91-090	AMD	00-16-045
308- 57-500	REP-W	00-11-041	308- 65-170	AMD-P	00-09-071	308- 91-150	AMD-P	00-05-014
308- 58-010	REP	00-06-025	308- 65-170	AMD	00-13-020	308- 91-150	AMD	00-08-032
308- 58-020	REP	00-06-025	308- 65-180	REP-P	00-09-071	308- 93-010	AMD-P	00-07-065
308- 58-030	REP	00-06-025	308- 65-180	REP	00-13-020	308- 93-010	PREP	00-07-107
308- 58-040	REP	00-06-025	308- 65-190	AMD-P	00-09-071	308- 93-010	AMD	00-11-131
308- 58-050	REP	00-06-025	308- 65-190	AMD	00-13-020	308- 93-030	PREP	00-07-107
308- 63	PREP	00-06-007	308- 72-500	PREP	00-08-063	308- 93-050	PREP	00-07-107
308- 63-020	AMD-P	00-09-069	308- 72-665	PREP	00-08-063	308- 93-055	PREP	00-07-107
308- 63-020	AMD	00-13-019	308- 72-690	PREP	00-08-063	308- 93-056	PREP	00-07-107
308- 63-030	AMD-P	00-09-069	308- 72-700	PREP	00-08-063	308- 93-060	PREP	00-07-105
308- 63-030	AMD	00-13-019	308- 72-710	PREP	00-08-063	308- 93-069	PREP	00-07-105
308- 63-040	AMD-P	00-09-069	308- 72-720	NEW-P	00-05-014	308- 93-070	PREP	00-07-105

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-93-071	PREP	00-07-105	308-96A-071	PREP	00-07-108	308-99-020	AMD-W	00-09-009
308-93-073	PREP	00-07-105	308-96A-072	PREP	00-07-108	308-99-020	AMD-P	00-16-041
308-93-078	PREP	00-07-105	308-96A-073	PREP	00-07-108	308-99-021	REP-P	00-07-126
308-93-079	PREP	00-07-107	308-96A-074	PREP	00-07-108	308-99-021	REP-W	00-09-009
308-93-086	PREP	00-16-034	308-96A-099	PREP	00-06-001	308-99-021	REP-P	00-16-041
308-93-087	PREP	00-16-034	308-96A-099	AMD-P	00-09-019	308-99-025	REP-P	00-07-126
308-93-090	PREP	00-07-107	308-96A-099	AMD-W	00-11-041	308-99-025	REP-W	00-09-009
308-93-140	PREP	00-16-042	308-96A-135	PREP	00-06-001	308-99-025	REP-P	00-16-041
308-93-145	AMD-P	00-05-056	308-96A-135	REP-P	00-09-019	308-99-030	REP-P	00-07-126
308-93-145	AMD	00-09-065	308-96A-135	REP-W	00-11-041	308-99-030	REP-W	00-09-009
308-93-145	PREP	00-16-042	308-96A-145	PREP	00-06-001	308-99-030	REP-P	00-16-041
308-93-165	REP-P	00-05-049	308-96A-145	AMD-P	00-09-019	308-99-040	AMD-P	00-07-126
308-93-165	REP	00-09-065	308-96A-145	AMD-W	00-11-041	308-99-040	AMD-W	00-09-009
308-93-200	PREP	00-07-106	308-96A-175	PREP	00-06-001	308-99-040	AMD-P	00-16-041
308-93-220	PREP	00-07-106	308-96A-175	PREP	00-07-108	308-99-050	REP-P	00-07-126
308-93-230	PREP	00-07-106	308-96A-175	AMD-P	00-09-019	308-99-050	REP-W	00-09-009
308-93-241	PREP	00-07-104	308-96A-175	AMD-W	00-11-041	308-99-050	REP-P	00-16-041
308-93-241	AMD-P	00-16-094	308-96A-176	PREP	00-06-001	308-99-060	NEW-P	00-07-126
308-93-242	PREP	00-07-104	308-96A-176	PREP	00-07-108	308-99-060	NEW-W	00-09-009
308-93-242	AMD-P	00-16-094	308-96A-176	AMD-P	00-09-019	308-99-060	NEW-P	00-16-041
308-93-243	PREP	00-07-104	308-96A-176	AMD-W	00-11-041	308-100-010	AMD-P	00-15-084
308-93-243	AMD-P	00-16-094	308-96A-180	PREP	00-06-001	308-100-020	AMD-P	00-15-084
308-93-244	PREP	00-07-104	308-96A-180	AMD-P	00-09-019	308-100-040	AMD-P	00-15-084
308-93-244	AMD-P	00-16-094	308-96A-180	AMD-W	00-11-041	308-100-050	AMD-P	00-15-084
308-93-245	PREP	00-07-104	308-96A-202	PREP	00-06-001	308-100-090	AMD-P	00-15-084
308-93-245	REP-P	00-16-094	308-96A-202	AMD-P	00-09-019	308-100-100	AMD-P	00-15-084
308-93-285	PREP	00-07-105	308-96A-202	AMD-W	00-11-041	308-100-110	AMD-P	00-15-084
308-93-295	PREP	00-07-106	308-96A-203	PREP	00-06-001	308-100-130	AMD-P	00-15-084
308-93-350	PREP	00-07-105	308-96A-203	AMD-P	00-09-019	308-100-140	AMD-P	00-15-084
308-93-360	PREP	00-07-105	308-96A-203	AMD-W	00-11-041	308-100-150	AMD-P	00-15-084
308-93-440	PREP	00-07-093	308-96A-306	PREP	00-08-043	308-100-190	AMD-P	00-15-084
308-93-440	AMD-P	00-12-084	308-96A-306	AMD-P	00-11-120	308-104-004	AMD-P	00-15-085
308-93-440	AMD-W	00-14-019	308-96A-306	AMD	00-16-056	308-104-006	AMD-P	00-15-085
308-93-450	PREP	00-07-093	308-96A-311	PREP	00-08-043	308-104-008	AMD-P	00-15-085
308-93-450	AMD-P	00-12-084	308-96A-312	PREP	00-08-043	308-104-012	AMD-P	00-15-085
308-93-450	AMD-W	00-14-019	308-96A-313	PREP	00-08-043	308-104-014	AMD-P	00-15-086
308-93-460	PREP	00-07-093	308-96A-314	PREP	00-08-043	308-104-015	REP-P	00-15-086
308-93-460	AMD-P	00-12-084	308-96A-316	PREP	00-08-043	308-104-025	AMD-P	00-15-085
308-93-460	AMD-W	00-14-019	308-96A-345	AMD	00-03-057	308-104-035	AMD-P	00-15-085
308-93-470	PREP	00-07-093	308-96A-350	AMD	00-03-057	308-104-040	AMD-P	00-15-086
308-93-470	AMD-P	00-12-084	308-96A-355	AMD	00-03-057	308-104-047	AMD-P	00-15-085
308-93-470	AMD-W	00-14-019	308-96A-360	REP	00-03-057	308-104-056	AMD-P	00-15-085
308-93-640	PREP	00-07-105	308-96A-365	AMD	00-03-057	308-104-060	REP-P	00-15-085
308-93-650	AMD-P	00-05-049	308-96A-370	REP	00-03-057	308-104-070	AMD-P	00-15-085
308-93-650	AMD	00-09-065	308-96A-375	REP	00-03-057	308-104-080	AMD-P	00-15-085
308-93-660	PREP	00-16-034	308-96A-380	REP	00-03-057	308-104-090	AMD-P	00-15-085
308-94	PREP	00-06-034	308-96A-400	PREP	00-06-001	308-104-100	AMD-P	00-15-086
308-94-010	REP-P	00-05-050	308-96A-400	REP-P	00-09-019	308-104-105	AMD-P	00-15-086
308-94-010	REP	00-09-066	308-96A-400	REP-W	00-11-041	308-104-109	REP-P	00-15-086
308-94-030	PREP	00-07-094	308-96A-410	PREP	00-06-001	308-104-120	REP-P	00-15-085
308-94-050	PREP	00-07-094	308-96A-410	REP-P	00-09-019	308-104-130	AMD-P	00-15-086
308-94-080	PREP	00-07-094	308-96A-410	REP-W	00-11-041	308-104-150	AMD-P	00-15-086
308-94-100	PREP	00-07-094	308-96A-550	PREP	00-07-108	308-104-155	AMD-P	00-15-086
308-94-160	REP-P	00-05-050	308-96A-560	PREP	00-07-108	308-104-160	AMD-P	00-15-086
308-94-160	REP	00-09-066	308-97-011	NEW	00-07-053	308-104-170	AMD-P	00-15-086
308-96A-005	AMD-P	00-03-094	308-97-230	PREP	00-06-001	308-124-021	AMD-P	00-03-063
308-96A-005	AMD	00-09-008	308-97-230	AMD-P	00-09-019	308-124-021	AMD	00-08-035
308-96A-065	PREP	00-07-108	308-97-230	AMD-W	00-11-041	308-124E-013	AMD-P	00-03-063
308-96A-066	PREP	00-07-108	308-99-010	REP-P	00-07-126	308-124E-013	AMD	00-08-035
308-96A-067	PREP	00-07-108	308-99-010	REP-W	00-09-009	308-124H-011	AMD-P	00-03-063
308-96A-068	PREP	00-07-108	308-99-010	REP-P	00-16-041	308-124H-011	AMD	00-08-035
308-96A-070	PREP	00-07-108	308-99-020	AMD-P	00-07-126	308-124H-012	NEW-P	00-03-063

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-124H-012	NEW	00-08-035	308-124H-525	NEW	00-08-035	314- 02-050	NEW	00-07-091
308-124H-013	NEW-P	00-03-063	308-124H-530	AMD-P	00-03-063	314- 02-055	NEW	00-07-091
308-124H-013	NEW	00-08-035	308-124H-530	AMD	00-08-035	314- 02-060	NEW	00-07-091
308-124H-021	REP-P	00-03-063	308-124H-551	NEW-P	00-03-063	314- 02-065	NEW	00-07-091
308-124H-021	REP	00-08-035	308-124H-551	NEW	00-08-035	314- 02-070	NEW	00-07-091
308-124H-025	AMD-P	00-03-063	308-124H-580	AMD-P	00-03-063	314- 02-075	NEW	00-07-091
308-124H-025	AMD	00-08-035	308-124H-580	AMD	00-08-035	314- 02-080	NEW	00-07-091
308-124H-026	NEW-P	00-03-063	308-124H-800	AMD-P	00-03-063	314- 02-085	NEW	00-07-091
308-124H-026	NEW	00-08-035	308-124H-800	AMD	00-08-035	314- 02-090	NEW	00-07-091
308-124H-027	NEW-P	00-03-063	308-125-120	PREP	00-13-072	314- 02-095	NEW	00-07-091
308-124H-027	NEW	00-08-035	308-125-200	AMD	00-04-057	314- 02-100	NEW	00-07-091
308-124H-028	NEW-P	00-03-063	308-129-100	AMD-P	00-08-005	314- 02-105	NEW	00-07-091
308-124H-028	NEW	00-08-035	308-129-100	AMD	00-11-047	314- 02-110	NEW	00-07-091
308-124H-029	NEW-P	00-03-063	308-129-230	REP-P	00-08-005	314- 02-115	NEW	00-07-091
308-124H-029	NEW	00-08-035	308-129-230	REP	00-11-047	314- 02-120	NEW	00-07-091
308-124H-031	NEW-P	00-03-063	308-300-010	PREP	00-08-067	314- 02-125	NEW	00-07-091
308-124H-031	NEW	00-08-035	308-300-020	PREP	00-08-067	314- 02-130	NEW	00-07-091
308-124H-034	NEW-P	00-03-063	308-300-030	PREP	00-08-067	314- 15-010	REP	00-07-117
308-124H-034	NEW	00-08-035	308-300-040	PREP	00-08-067	314- 15-020	REP	00-07-117
308-124H-039	NEW-P	00-03-063	308-300-050	PREP	00-08-067	314- 15-030	REP	00-07-117
308-124H-039	NEW	00-08-035	308-300-060	PREP	00-08-067	314- 15-040	REP	00-07-117
308-124H-041	AMD-P	00-03-063	308-300-070	PREP	00-08-067	314- 15-050	REP	00-07-117
308-124H-041	AMD	00-08-035	308-300-075	PREP	00-08-067	314- 16-040	AMD-XA	00-07-116
308-124H-042	NEW-P	00-03-063	308-300-080	PREP	00-08-067	314- 16-040	AMD	00-12-051
308-124H-042	NEW	00-08-035	308-300-090	PREP	00-08-067	314- 16-055	REP	00-07-117
308-124H-051	AMD-P	00-03-063	308-300-100	PREP	00-08-067	314- 16-115	REP	00-07-117
308-124H-051	AMD	00-08-035	308-300-110	PREP	00-08-067	314- 16-130	REP-P	00-09-095
308-124H-061	AMD-P	00-03-063	308-300-120	PREP	00-08-067	314- 16-130	REP-W	00-12-030
308-124H-061	AMD	00-08-035	308-300-130	PREP	00-08-067	314- 16-140	REP	00-07-117
308-124H-062	AMD-P	00-03-063	308-300-140	PREP	00-08-067	314- 16-180	REP	00-07-117
308-124H-062	AMD	00-08-035	308-300-150	PREP	00-08-067	314- 16-190	AMD-XA	00-07-116
308-124H-210	AMD-P	00-03-063	308-300-160	PREP	00-08-067	314- 16-190	REP-W	00-12-030
308-124H-210	AMD	00-08-035	308-300-170	PREP	00-08-067	314- 16-190	AMD	00-12-051
308-124H-220	REP-P	00-03-063	308-300-180	PREP	00-08-067	314- 16-196	AMD-XA	00-07-116
308-124H-220	REP	00-08-035	308-300-190	PREP	00-08-067	314- 16-196	REP-W	00-12-030
308-124H-221	NEW-P	00-03-063	308-300-200	PREP	00-08-067	314- 16-196	AMD	00-12-051
308-124H-221	NEW	00-08-035	308-320	PREP	00-10-029	314- 16-197	REP	00-07-117
308-124H-230	AMD-P	00-03-063	308-320-010	PREP	00-10-029	314- 16-199	REP	00-07-117
308-124H-230	AMD	00-08-035	308-320-020	PREP	00-10-029	314- 16-200	REP	00-07-117
308-124H-240	REP-P	00-03-063	308-320-030	PREP	00-10-029	314- 16-205	REP	00-07-117
308-124H-240	REP	00-08-035	308-320-040	PREP	00-10-029	314- 16-210	REP	00-07-117
308-124H-245	NEW-P	00-03-063	308-320-050	PREP	00-10-029	314- 16-240	REP	00-07-117
308-124H-245	NEW	00-08-035	308-320-060	PREP	00-10-029	314- 16-250	REP	00-12-011
308-124H-246	NEW-P	00-03-063	308-320-070	PREP	00-10-029	314- 19-005	NEW-P	00-09-095
308-124H-246	NEW	00-08-035	308-320-080	PREP	00-10-029	314- 19-010	NEW-P	00-09-095
308-124H-260	AMD-P	00-03-063	308-320-090	PREP	00-10-029	314- 19-015	NEW-P	00-09-095
308-124H-260	AMD	00-08-035	308-330-307	AMD-P	00-15-083	314- 19-020	NEW-P	00-09-095
308-124H-270	AMD-P	00-03-063	308-330-316	AMD-P	00-15-083	314- 19-025	NEW-P	00-09-095
308-124H-270	AMD	00-08-035	308-330-325	AMD-P	00-15-083	314- 19-030	NEW-P	00-09-095
308-124H-290	AMD-P	00-03-063	308-330-406	AMD-P	00-15-083	314- 19-035	NEW-P	00-09-095
308-124H-290	AMD	00-08-035	308-330-415	AMD-P	00-15-083	314- 19-040	NEW-P	00-09-095
308-124H-300	AMD-P	00-03-063	308-330-421	AMD-P	00-15-083	314- 20-010	REP-P	00-09-095
308-124H-300	AMD	00-08-035	308-330-423	AMD-P	00-15-083	314- 20-015	AMD-P	00-09-095
308-124H-310	AMD-P	00-03-063	314- 02-005	NEW	00-07-091	314- 20-040	REP-P	00-09-095
308-124H-310	AMD	00-08-035	314- 02-010	NEW	00-07-091	314- 20-060	REP-P	00-09-095
308-124H-320	AMD-P	00-03-063	314- 02-015	NEW	00-07-091	314- 20-150	REP-P	00-09-095
308-124H-320	AMD	00-08-035	314- 02-020	NEW	00-07-091	314- 20-160	AMD-P	00-09-095
308-124H-510	AMD-P	00-03-063	314- 02-025	NEW	00-07-091	314- 20-170	AMD-P	00-09-095
308-124H-510	AMD	00-08-035	314- 02-030	NEW	00-07-091	314- 20-180	REP-P	00-09-095
308-124H-520	REP-P	00-03-063	314- 02-035	NEW	00-07-091	314- 24-095	REP-P	00-09-095
308-124H-520	REP	00-08-035	314- 02-040	NEW	00-07-091	314- 24-110	REP-P	00-09-095
308-124H-525	NEW-P	00-03-063	314- 02-045	NEW	00-07-091	314- 24-120	AMD-P	00-09-095

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314- 26-010	REP-P	00-09-095	315- 11A-206	REP-XR	00-02-055	332-130-050	AMD-P	00-08-034
314- 37	PREP	00-02-087	315- 11A-206	REP	00-07-131	352- 04	PREP	00-12-096
314- 42-010	NEW-P	00-02-089	315- 11A-207	REP-XR	00-02-055	352- 04	PREP	00-16-157
314- 42-010	NEW	00-06-016	315- 11A-207	REP	00-07-131	352- 11	PREP	00-16-157
314- 48-010	PREP	00-02-087	315- 11A-208	REP-XR	00-02-055	352- 12	PREP	00-16-157
314- 56-010	REP-XR	00-02-086	315- 11A-208	REP	00-07-131	352- 16	PREP	00-16-157
314- 56-010	REP	00-12-012	315- 11A-209	REP-XR	00-02-055	352- 20	PREP	00-16-157
314- 56-020	REP-XR	00-02-086	315- 11A-209	REP	00-07-131	352- 24	PREP	00-16-157
314- 56-020	REP	00-12-012	315- 11A-210	REP-XR	00-02-055	352- 28	PREP	00-16-157
314- 60	PREP	00-02-088	315- 11A-210	REP	00-07-131	352- 32	PREP	00-04-081
314- 62	PREP	00-02-088	315- 11A-211	REP-XR	00-02-055	352- 32	PREP	00-16-157
314- 64	PREP	00-02-087	315- 11A-211	REP	00-07-131	352- 32-010	AMD-P	00-10-117
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314- 78-010	REP	00-12-012	315- 11A-213	REP-XR	00-02-055	352- 32-011	AMD	00-13-070
315- 04	PREP	00-16-044	315- 11A-213	REP	00-07-131	352- 32-030	AMD-P	00-10-117
315- 04	PREP	00-16-092	315- 11A-214	REP-XR	00-02-055	352- 32-030	AMD	00-13-070
315- 04-020	PREP	00-11-016	315- 11A-214	REP	00-07-131	352- 32-040	AMD-P	00-10-117
315- 04-120	PREP	00-14-049	315- 11A-215	REP-XR	00-14-057	352- 32-040	AMD	00-13-070
315- 06-120	PREP	00-05-059	315- 11A-216	REP-XR	00-14-057	352- 32-045	AMD-P	00-10-117
315- 06-120	AMD-P	00-07-130	315- 11A-217	REP-XR	00-14-057	352- 32-045	AMD	00-13-070
315- 06-120	AMD	00-12-032	317- 10	PREP	00-05-096	352- 32-050	AMD-P	00-10-117
315- 11A-165	REP-XR	00-02-055	317- 21-130	REP-XR	00-12-091	352- 32-050	AMD	00-13-070
315- 11A-165	REP	00-07-131	317- 21-130	REP	00-16-134	352- 32-053	AMD-P	00-10-117
315- 11A-187	REP-XR	00-02-055	317- 21-200	REP-XR	00-12-091	352- 32-053	AMD	00-13-070
315- 11A-187	REP	00-07-131	317- 21-200	REP	00-16-134	352- 32-056	AMD-P	00-10-117
315- 11A-188	REP-XR	00-02-055	317- 21-205	REP-XR	00-12-091	352- 32-056	AMD	00-13-070
315- 11A-188	REP	00-07-131	317- 21-205	REP	00-16-134	352- 32-060	AMD-P	00-10-117
315- 11A-189	REP-XR	00-02-055	317- 21-210	REP-XR	00-12-091	352- 32-060	AMD	00-13-070
315- 11A-189	REP	00-07-131	317- 21-210	REP	00-16-134	352- 32-070	AMD-P	00-10-117
315- 11A-190	REP-XR	00-02-055	317- 21-215	REP-XR	00-12-091	352- 32-070	AMD	00-13-070
315- 11A-190	REP	00-07-131	317- 21-215	REP	00-16-134	352- 32-075	AMD-P	00-10-117
315- 11A-191	REP-XR	00-02-055	317- 21-220	REP-XR	00-12-091	352- 32-075	AMD	00-13-070
315- 11A-191	REP	00-07-131	317- 21-220	REP	00-16-134	352- 32-080	AMD-P	00-10-117
315- 11A-192	REP-XR	00-02-055	317- 21-225	REP-XR	00-12-091	352- 32-080	AMD	00-13-070
315- 11A-192	REP	00-07-131	317- 21-225	REP	00-16-134	352- 32-085	AMD-P	00-10-117
315- 11A-193	REP-XR	00-02-055	317- 21-230	REP-XR	00-12-091	352- 32-085	AMD	00-13-070
315- 11A-193	REP	00-07-131	317- 21-230	REP	00-16-134	352- 32-090	AMD-P	00-10-117
315- 11A-194	REP-XR	00-02-055	317- 21-235	REP-XR	00-12-091	352- 32-090	AMD	00-13-070
315- 11A-194	REP	00-07-131	317- 21-235	REP	00-16-134	352- 32-100	AMD-P	00-10-117
315- 11A-195	REP-XR	00-02-055	317- 21-240	REP-XR	00-12-091	352- 32-100	AMD	00-13-070
315- 11A-195	REP	00-07-131	317- 21-240	REP	00-16-134	352- 32-110	AMD-P	00-10-117
315- 11A-196	REP-XR	00-02-055	317- 21-245	REP-XR	00-12-091	352- 32-110	AMD	00-13-070
315- 11A-196	REP	00-07-131	317- 21-245	REP	00-16-134	352- 32-120	AMD-P	00-10-117
315- 11A-197	REP-XR	00-02-055	317- 21-250	REP-XR	00-12-091	352- 32-120	AMD	00-13-070
315- 11A-197	REP	00-07-131	317- 21-250	REP	00-16-134	352- 32-130	AMD-P	00-10-117
315- 11A-198	REP-XR	00-02-055	317- 21-255	REP-XR	00-12-091	352- 32-130	AMD	00-13-070
315- 11A-198	REP	00-07-131	317- 21-255	REP	00-16-134	352- 32-150	AMD-P	00-10-117
315- 11A-199	REP-XR	00-02-055	317- 21-260	REP-XR	00-12-091	352- 32-150	AMD	00-13-070
315- 11A-199	REP	00-07-131	317- 21-260	REP	00-16-134	352- 32-15001	AMD-P	00-10-117
315- 11A-200	REP-XR	00-02-055	317- 21-265	REP-XR	00-12-091	352- 32-15001	AMD	00-13-070
315- 11A-200	REP	00-07-131	317- 21-265	REP	00-16-134	352- 32-155	AMD-P	00-10-117
315- 11A-201	REP-XR	00-02-055	317- 21-540	REP-XR	00-12-091	352- 32-155	AMD	00-13-070
315- 11A-201	REP	00-07-131	317- 21-540	REP	00-16-134	352- 32-157	AMD-P	00-10-117
315- 11A-202	REP-XR	00-02-055	326- 30-041	PREP	00-10-105	352- 32-157	AMD	00-13-070
315- 11A-202	REP	00-07-131	326- 30-041	AMD-P	00-13-112	352- 32-165	AMD-P	00-10-117
315- 11A-203	REP-XR	00-02-055	332- 30-118	REP-XR	00-15-057	352- 32-165	AMD	00-13-070
315- 11A-203	REP	00-07-131	332- 30-134	REP-XR	00-15-058	352- 32-195	AMD-P	00-10-117
315- 11A-204	REP-XR	00-02-055	332- 30-142	REP-XR	00-15-059	352- 32-195	AMD	00-13-070
315- 11A-204	REP	00-07-131	332- 30-154	REP-XR	00-15-060	352- 32-200	AMD-P	00-10-117
315- 11A-205	REP-XR	00-02-055	332- 30-161	REP-XR	00-15-061	352- 32-200	AMD	00-13-070

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352- 32-210	AMD	00-13-070	356- 26-040	AMD-C	00-06-050	365-120-010	AMD	00-05-020
352- 32-215	AMD-P	00-10-117	356- 26-040	AMD	00-10-026	365-120-020	AMD	00-05-020
352- 32-215	AMD	00-13-070	356- 30-075	AMD-P	00-04-052	365-120-030	AMD	00-05-020
352- 32-230	AMD-P	00-10-117	356- 30-075	AMD-C	00-06-050	365-120-040	AMD	00-05-020
352- 32-230	AMD	00-13-070	356- 30-075	AMD	00-10-026	365-120-050	AMD	00-05-020
352- 32-235	AMD-P	00-10-117	356- 30-331	AMD-P	00-06-047	365-120-060	AMD	00-05-020
352- 32-235	AMD	00-13-070	356- 30-331	AMD	00-11-122	365-120-070	NEW	00-05-020
352- 32-250	AMD-P	00-10-117	359- 14-010	NEW-P	00-04-054	365-120-080	NEW	00-05-020
352- 32-250	AMD	00-13-070	359- 14-010	NEW-C	00-06-049	365-120-090	NEW	00-05-020
352- 32-251	AMD-P	00-10-117	359- 14-010	NEW	00-10-028	365-135-020	AMD	00-02-061
352- 32-251	AMD	00-13-070	359- 14-020	NEW-P	00-04-054	365-195-900	NEW-P	00-03-066
352- 32-255	AMD-P	00-10-117	359- 14-020	NEW-C	00-06-049	365-195-900	NEW	00-16-064
352- 32-255	AMD	00-13-070	359- 14-020	NEW	00-10-028	365-195-905	NEW-P	00-03-066
352- 32-280	AMD-P	00-10-117	359- 14-030	NEW-P	00-04-054	365-195-905	NEW	00-16-064
352- 32-280	AMD	00-13-070	359- 14-030	NEW-C	00-06-049	365-195-910	NEW-P	00-03-066
352- 32-285	PREP	00-04-081	359- 14-030	NEW	00-10-028	365-195-910	NEW	00-16-064
352- 32-285	AMD-P	00-10-117	359- 14-050	NEW-P	00-04-054	365-195-915	NEW-P	00-03-066
352- 32-285	AMD	00-13-070	359- 14-050	NEW-C	00-06-049	365-195-915	NEW	00-16-064
352- 32-290	AMD-P	00-10-117	359- 14-050	NEW	00-10-028	365-195-920	NEW-P	00-03-066
352- 32-290	AMD	00-13-070	359- 14-070	NEW-P	00-04-054	365-195-920	NEW	00-16-064
352- 32-330	AMD-P	00-10-117	359- 14-070	NEW-C	00-06-049	365-195-925	NEW-P	00-03-066
352- 32-330	AMD	00-13-070	359- 14-070	NEW	00-10-028	365-195-925	NEW	00-16-064
352- 37	PREP	00-16-157	359- 14-080	NEW-P	00-04-054	365-197-010	NEW-P	00-03-067
352- 40	PREP	00-16-157	359- 14-080	NEW-C	00-06-049	365-197-010	NEW-W	00-16-097
352- 44	PREP	00-16-157	359- 14-080	NEW	00-10-028	365-197-020	NEW-P	00-03-067
352- 48	PREP	00-16-157	359- 14-100	NEW-P	00-04-054	365-197-020	NEW-W	00-16-097
352- 52	PREP	00-16-157	359- 14-100	NEW-C	00-06-049	365-197-030	NEW-P	00-03-067
352- 56	PREP	00-16-157	359- 14-100	NEW	00-10-028	365-197-030	NEW-W	00-16-097
352- 60	PREP	00-16-157	359- 14-130	NEW-P	00-04-054	365-197-040	NEW-P	00-03-067
352- 64	PREP	00-12-095	359- 14-130	NEW-C	00-06-049	365-197-040	NEW-W	00-16-097
352- 64	PREP	00-16-157	359- 14-130	NEW	00-10-028	365-197-050	NEW-P	00-03-067
352- 65	PREP	00-12-095	359- 40-010	NEW-P	00-04-054	365-197-050	NEW-W	00-16-097
352- 65	PREP	00-16-157	359- 40-010	NEW-C	00-06-049	365-197-060	NEW-P	00-03-067
352- 66	PREP	00-16-157	359- 40-010	NEW	00-10-028	365-197-060	NEW-W	00-16-097
352- 67	PREP	00-16-157	359- 40-020	NEW-P	00-04-054	365-197-070	NEW-P	00-03-067
352- 68	PREP	00-16-157	359- 40-020	NEW-C	00-06-049	365-197-070	NEW-W	00-16-097
352- 70	PREP	00-12-094	359- 40-020	NEW	00-10-028	365-197-080	NEW-P	00-03-067
352- 70	PREP	00-16-157	359- 40-050	NEW-P	00-04-054	365-197-080	NEW-W	00-16-097
352- 70	AMD-P	00-16-158	359- 40-050	NEW-C	00-06-049	388- 02-0005	NEW-P	00-10-034
352- 70-010	AMD-P	00-16-158	359- 40-050	NEW	00-10-028	388- 02-0010	NEW-P	00-10-034
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352- 70-035	NEW-P	00-16-158	359- 40-060	NEW	00-10-028	388- 02-0025	NEW-P	00-10-034
352- 70-040	AMD-P	00-16-158	363-116-080	PREP	00-13-098	388- 02-0030	NEW-P	00-10-034
352- 70-050	AMD-P	00-16-158	363-116-082	PREP	00-13-098	388- 02-0035	NEW-P	00-10-034
352- 70-060	AMD-P	00-16-158	363-116-185	AMD-P	00-10-074	388- 02-0040	NEW-P	00-10-034
352- 74	PREP	00-16-157	363-116-185	AMD	00-13-097	388- 02-0045	NEW-P	00-10-034
352- 75	PREP	00-16-157	363-116-300	AMD-P	00-08-106	388- 02-0050	NEW-P	00-10-034
352- 76	PREP	00-12-095	363-116-300	AMD	00-11-119	388- 02-0055	NEW-P	00-10-034
352- 76	PREP	00-16-157	365- 18-010	NEW	00-09-060	388- 02-0060	NEW-P	00-10-034
356- 14-045	AMD-P	00-04-052	365- 18-020	NEW	00-09-060	388- 02-0065	NEW-P	00-10-034
356- 14-045	AMD-C	00-06-050	365- 18-030	NEW	00-09-060	388- 02-0070	NEW-P	00-10-034
356- 14-045	AMD	00-10-026	365- 18-040	NEW	00-09-060	388- 02-0075	NEW-P	00-10-034
356- 14-070	AMD-P	00-12-074	365- 18-050	NEW	00-09-060	388- 02-0080	NEW-P	00-10-034
356- 14-070	AMD	00-16-004	365- 18-060	NEW	00-09-060	388- 02-0085	NEW-P	00-10-034
356- 14-140	AMD-P	00-12-073	365- 18-070	NEW	00-09-060	388- 02-0090	NEW-P	00-10-034
356- 14-140	AMD	00-16-005	365- 18-080	NEW	00-09-060	388- 02-0095	NEW-P	00-10-034
356- 15-100	AMD-W	00-10-025	365- 18-090	NEW	00-09-060	388- 02-0100	NEW-P	00-10-034
356- 15-110	AMD-W	00-10-025	365- 18-100	NEW	00-09-060	388- 02-0105	NEW-P	00-10-034
356- 22-220	AMD-P	00-12-072	365- 18-110	NEW	00-09-060	388- 02-0110	NEW-P	00-10-034
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388-02-0130	NEW-P	00-10-034	388-02-0440	NEW-P	00-10-034	388-03-132	NEW	00-06-014
388-02-0135	NEW-P	00-10-034	388-02-0445	NEW-P	00-10-034	388-03-133	NEW	00-06-014
388-02-0140	NEW-P	00-10-034	388-02-0450	NEW-P	00-10-034	388-03-135	NEW	00-06-014
388-02-0145	NEW-P	00-10-034	388-02-0455	NEW-P	00-10-034	388-03-138	NEW	00-06-014
388-02-0150	NEW-P	00-10-034	388-02-0460	NEW-P	00-10-034	388-03-140	NEW	00-06-014
388-02-0155	NEW-P	00-10-034	388-02-0465	NEW-P	00-10-034	388-03-150	NEW	00-06-014
388-02-0160	NEW-P	00-10-034	388-02-0470	NEW-P	00-10-034	388-03-152	NEW	00-06-014
388-02-0165	NEW-P	00-10-034	388-02-0475	NEW-P	00-10-034	388-03-154	NEW	00-06-014
388-02-0170	NEW-P	00-10-034	388-02-0480	NEW-P	00-10-034	388-03-156	NEW	00-06-014
388-02-0175	NEW-P	00-10-034	388-02-0485	NEW-P	00-10-034	388-03-170	NEW	00-06-014
388-02-0180	NEW-P	00-10-034	388-02-0490	NEW-P	00-10-034	388-03-172	NEW	00-06-014
388-02-0185	NEW-P	00-10-034	388-02-0495	NEW-P	00-10-034	388-03-174	NEW	00-06-014
388-02-0190	NEW-P	00-10-034	388-02-0500	NEW-P	00-10-034	388-03-176	NEW	00-06-014
388-02-0195	NEW-P	00-10-034	388-02-0505	NEW-P	00-10-034	388-08-410	REP-P	00-10-094
388-02-0200	NEW-P	00-10-034	388-02-0510	NEW-P	00-10-034	388-08-413	REP-P	00-10-094
388-02-0205	NEW-P	00-10-034	388-02-0515	NEW-P	00-10-034	388-08-425	REP-P	00-10-094
388-02-0210	NEW-P	00-10-034	388-02-0520	NEW-P	00-10-034	388-08-428	REP-P	00-10-094
388-02-0215	NEW-P	00-10-034	388-02-0525	NEW-P	00-10-034	388-08-431	REP-P	00-10-094
388-02-0220	NEW-P	00-10-034	388-02-0530	NEW-P	00-10-034	388-08-434	REP-P	00-10-094
388-02-0225	NEW-P	00-10-034	388-02-0535	NEW-P	00-10-034	388-08-437	REP-P	00-10-094
388-02-0230	NEW-P	00-10-034	388-02-0540	NEW-P	00-10-034	388-08-440	REP-P	00-10-094
388-02-0235	NEW-P	00-10-034	388-02-0545	NEW-P	00-10-034	388-08-446	REP-P	00-10-094
388-02-0240	NEW-P	00-10-034	388-02-0550	NEW-P	00-10-034	388-08-449	REP-P	00-10-094
388-02-0245	NEW-P	00-10-034	388-02-0555	NEW-P	00-10-034	388-08-452	REP-P	00-10-094
388-02-0250	NEW-P	00-10-034	388-02-0560	NEW-P	00-10-034	388-08-461	REP-P	00-10-094
388-02-0255	NEW-P	00-10-034	388-02-0565	NEW-P	00-10-034	388-08-462	REP-P	00-10-094
388-02-0260	NEW-P	00-10-034	388-02-0570	NEW-P	00-10-034	388-08-464	REP-P	00-10-094
388-02-0265	NEW-P	00-10-034	388-02-0575	NEW-P	00-10-034	388-08-466	REP-P	00-10-094
388-02-0270	NEW-P	00-10-034	388-02-0580	NEW-P	00-10-034	388-08-470	REP-P	00-10-094
388-02-0275	NEW-P	00-10-034	388-02-0585	NEW-P	00-10-034	388-08-515	REP-P	00-10-094
388-02-0280	NEW-P	00-10-034	388-02-0590	NEW-P	00-10-034	388-08-525	REP-P	00-10-094
388-02-0285	NEW-P	00-10-034	388-02-0595	NEW-P	00-10-034	388-08-535	REP-P	00-10-094
388-02-0290	NEW-P	00-10-034	388-02-0600	NEW-P	00-10-034	388-08-545	REP-P	00-10-094
388-02-0295	NEW-P	00-10-034	388-02-0605	NEW-P	00-10-034	388-08-555	REP-P	00-10-094
388-02-0300	NEW-P	00-10-034	388-02-0610	NEW-P	00-10-034	388-08-565	REP-P	00-10-094
388-02-0305	NEW-P	00-10-034	388-02-0615	NEW-P	00-10-034	388-08-575	REP-P	00-10-094
388-02-0310	NEW-P	00-10-034	388-02-0620	NEW-P	00-10-034	388-08-585	REP-P	00-10-094
388-02-0315	NEW-P	00-10-034	388-02-0625	NEW-P	00-10-034	388-11-011	PREP	00-06-039
388-02-0320	NEW-P	00-10-034	388-02-0630	NEW-P	00-10-034	388-11-011	AMD-P	00-10-096
388-02-0325	NEW-P	00-10-034	388-02-0635	NEW-P	00-10-034	388-11-011	AMD	00-15-016
388-02-0330	NEW-P	00-10-034	388-02-0640	NEW-P	00-10-034	388-11-011	REP-P	00-16-114
388-02-0335	NEW-P	00-10-034	388-02-0645	NEW-P	00-10-034	388-11-015	PREP	00-06-039
388-02-0340	NEW-P	00-10-034	388-02-0650	NEW-P	00-10-034	388-11-015	REP-P	00-16-114
388-02-0345	NEW-P	00-10-034	388-03-010	NEW	00-06-014	388-11-045	PREP	00-06-039
388-02-0350	NEW-P	00-10-034	388-03-020	NEW	00-06-014	388-11-045	REP-P	00-16-114
388-02-0355	NEW-P	00-10-034	388-03-030	NEW	00-06-014	388-11-048	PREP	00-06-039
388-02-0360	NEW-P	00-10-034	388-03-050	NEW	00-06-014	388-11-048	REP-P	00-16-114
388-02-0365	NEW-P	00-10-034	388-03-060	NEW	00-06-014	388-11-065	PREP	00-06-039
388-02-0370	NEW-P	00-10-034	388-03-110	NEW	00-06-014	388-11-065	REP-P	00-16-114
388-02-0375	NEW-P	00-10-034	388-03-112	NEW	00-06-014	388-11-067	PREP	00-06-039
388-02-0380	NEW-P	00-10-034	388-03-114	NEW	00-06-014	388-11-067	REP-P	00-16-114
388-02-0385	NEW-P	00-10-034	388-03-115	NEW	00-06-014	388-11-100	PREP	00-06-039
388-02-0390	NEW-P	00-10-034	388-03-116	NEW	00-06-014	388-11-100	AMD-P	00-10-096
388-02-0395	NEW-P	00-10-034	388-03-117	NEW	00-06-014	388-11-100	AMD	00-15-016
388-02-0400	NEW-P	00-10-034	388-03-118	NEW	00-06-014	388-11-100	REP-P	00-16-114
388-02-0405	NEW-P	00-10-034	388-03-120	NEW	00-06-014	388-11-120	PREP	00-06-039
388-02-0410	NEW-P	00-10-034	388-03-122	NEW	00-06-014	388-11-120	AMD-P	00-10-096
388-02-0415	NEW-P	00-10-034	388-03-123	NEW	00-06-014	388-11-120	AMD	00-15-016
388-02-0420	NEW-P	00-10-034	388-03-124	NEW	00-06-014	388-11-120	REP-P	00-16-114
388-02-0425	NEW-P	00-10-034	388-03-125	NEW	00-06-014	388-11-135	PREP	00-06-039

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 11-135	REP-P	00-16-114	388- 11-410	REP-P	00-10-096	388- 14-270	REP-P	00-16-114
388- 11-140	PREP	00-06-039	388- 11-410	REP	00-15-016	388- 14-271	PREP	00-06-039
388- 11-140	REP-P	00-16-114	388- 11-415	PREP	00-06-039	388- 14-271	REP-P	00-16-114
388- 11-143	REP-P	00-16-114	388- 11-415	REP-P	00-10-096	388- 14-272	PREP	00-06-039
388- 11-145	PREP	00-06-039	388- 11-415	REP	00-15-016	388- 14-272	REP-P	00-16-114
388- 11-145	REP-P	00-16-114	388- 11-420	PREP	00-06-039	388- 14-273	PREP	00-06-039
388- 11-150	PREP	00-06-039	388- 11-420	REP-P	00-10-096	388- 14-273	REP-P	00-16-114
388- 11-150	AMD-P	00-10-096	388- 11-420	REP	00-15-016	388- 14-274	PREP	00-06-039
388- 11-150	AMD	00-15-016	388- 11-425	PREP	00-06-039	388- 14-274	REP-P	00-16-114
388- 11-150	REP-P	00-16-114	388- 11-425	REP-P	00-10-096	388- 14-276	PREP	00-06-039
388- 11-155	PREP	00-06-039	388- 11-425	REP	00-15-016	388- 14-276	REP-P	00-16-114
388- 11-155	REP-P	00-16-114	388- 11-430	PREP	00-06-039	388- 14-300	PREP	00-06-039
388- 11-170	PREP	00-06-039	388- 11-430	REP-P	00-10-096	388- 14-300	REP-P	00-16-114
388- 11-170	REP-P	00-16-114	388- 11-430	REP	00-15-016	388- 14-310	PREP	00-06-039
388- 11-180	PREP	00-06-039	388- 13	PREP	00-06-039	388- 14-310	REP-P	00-16-114
388- 11-180	REP-P	00-16-114	388- 13-010	REP-P	00-16-114	388- 14-350	PREP	00-06-039
388- 11-205	PREP	00-06-039	388- 13-020	REP-P	00-16-114	388- 14-350	REP-P	00-16-114
388- 11-205	REP-P	00-16-114	388- 13-030	REP-P	00-16-114	388- 14-360	PREP	00-06-039
388- 11-210	PREP	00-06-039	388- 13-040	REP-P	00-16-114	388- 14-360	REP-P	00-16-114
388- 11-210	REP-P	00-16-114	388- 13-050	REP-P	00-16-114	388- 14-365	PREP	00-06-039
388- 11-215	PREP	00-06-039	388- 13-060	REP-P	00-16-114	388- 14-365	REP-P	00-16-114
388- 11-215	REP-P	00-16-114	388- 13-070	REP-P	00-16-114	388- 14-370	PREP	00-06-039
388- 11-220	PREP	00-06-039	388- 13-085	REP-P	00-16-114	388- 14-370	REP-P	00-16-114
388- 11-220	REP-P	00-16-114	388- 13-090	REP-P	00-16-114	388- 14-376	PREP	00-06-039
388- 11-280	PREP	00-06-039	388- 13-100	REP-P	00-16-114	388- 14-376	REP-P	00-16-114
388- 11-280	REP-P	00-16-114	388- 13-110	REP-P	00-16-114	388- 14-385	PREP	00-06-039
388- 11-285	PREP	00-06-039	388- 13-120	REP-P	00-16-114	388- 14-385	REP-P	00-16-114
388- 11-285	REP-P	00-10-096	388- 14-010	PREP	00-06-039	388- 14-386	PREP	00-06-039
388- 11-285	REP	00-15-016	388- 14-010	REP-P	00-16-114	388- 14-386	REP-P	00-16-114
388- 11-290	PREP	00-06-039	388- 14-020	PREP	00-06-039	388- 14-387	PREP	00-06-039
388- 11-290	REP-P	00-10-096	388- 14-020	REP-P	00-16-114	388- 14-387	REP-P	00-16-114
388- 11-290	REP	00-15-016	388- 14-030	PREP	00-06-039	388- 14-388	PREP	00-06-039
388- 11-295	PREP	00-06-039	388- 14-030	REP-P	00-16-114	388- 14-388	REP-P	00-16-114
388- 11-295	REP-P	00-10-096	388- 14-035	PREP	00-06-039	388- 14-390	PREP	00-06-039
388- 11-295	REP	00-15-016	388- 14-035	REP-P	00-16-114	388- 14-390	REP-P	00-16-114
388- 11-300	PREP	00-06-039	388- 14-040	PREP	00-06-039	388- 14-395	PREP	00-06-039
388- 11-300	REP-P	00-16-114	388- 14-040	REP-P	00-16-114	388- 14-395	REP-P	00-16-114
388- 11-305	PREP	00-06-039	388- 14-045	PREP	00-06-039	388- 14-410	PREP	00-06-039
388- 11-305	AMD-P	00-10-096	388- 14-045	REP-P	00-16-114	388- 14-410	REP-P	00-16-114
388- 11-305	AMD	00-15-016	388- 14-050	PREP	00-06-039	388- 14-415	PREP	00-06-039
388- 11-305	REP-P	00-16-114	388- 14-050	REP-P	00-16-114	388- 14-415	REP-P	00-16-114
388- 11-310	PREP	00-06-039	388- 14-100	PREP	00-06-039	388- 14-420	PREP	00-06-039
388- 11-310	AMD-P	00-10-096	388- 14-100	REP-P	00-16-114	388- 14-420	REP-P	00-16-114
388- 11-310	AMD	00-15-016	388- 14-200	PREP	00-06-039	388- 14-421	PREP	00-06-039
388- 11-310	REP-P	00-16-114	388- 14-200	REP-P	00-16-114	388- 14-421	REP-P	00-16-114
388- 11-315	PREP	00-06-039	388- 14-201	PREP	00-06-039	388- 14-422	PREP	00-06-039
388- 11-315	REP-P	00-06-068	388- 14-201	REP-P	00-16-114	388- 14-422	REP-P	00-16-114
388- 11-315	REP	00-09-076	388- 14-202	PREP	00-06-039	388- 14-423	PREP	00-06-039
388- 11-320	PREP	00-06-039	388- 14-202	REP-P	00-16-114	388- 14-423	REP-P	00-16-114
388- 11-320	REP-P	00-16-114	388- 14-203	PREP	00-06-039	388- 14-424	PREP	00-06-039
388- 11-325	PREP	00-06-039	388- 14-203	REP-P	00-16-114	388- 14-424	REP-P	00-16-114
388- 11-325	REP-P	00-16-114	388- 14-205	PREP	00-06-039	388- 14-427	PREP	00-06-039
388- 11-330	PREP	00-06-039	388- 14-205	REP-P	00-16-114	388- 14-427	REP-P	00-16-114
388- 11-330	REP-P	00-16-114	388- 14-210	PREP	00-06-039	388- 14-435	PREP	00-06-039
388- 11-335	PREP	00-06-039	388- 14-210	REP-P	00-16-114	388- 14-435	REP-P	00-16-114
388- 11-335	REP-P	00-16-114	388- 14-220	PREP	00-06-039	388- 14-440	PREP	00-06-039
388- 11-340	PREP	00-06-039	388- 14-220	REP-P	00-16-114	388- 14-440	REP-P	00-16-114
388- 11-340	REP-P	00-16-114	388- 14-250	PREP	00-06-039	388- 14-445	PREP	00-06-039
388- 11-400	PREP	00-06-039	388- 14-250	REP-P	00-16-114	388- 14-445	REP-P	00-10-096
388- 11-400	REP-P	00-10-096	388- 14-260	PREP	00-06-039	388- 14-445	REP	00-15-016
388- 11-400	REP	00-15-016	388- 14-260	REP-P	00-16-114	388- 14-450	PREP	00-06-039
388- 11-410	PREP	00-06-039	388- 14-270	PREP	00-06-039	388- 14-450	REP-P	00-16-114

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14-460	PREP	00-06-039	388- 14A-2099	NEW-P	00-16-114	388- 14A-3865	NEW	00-09-076
388- 14-460	REP-P	00-16-114	388- 14A-2105	NEW-P	00-16-114	388- 14A-3870	NEW-P	00-06-068
388- 14-480	PREP	00-06-039	388- 14A-2110	NEW-P	00-16-114	388- 14A-3870	NEW	00-09-076
388- 14-480	REP-P	00-16-114	388- 14A-2115	NEW-P	00-16-114	388- 14A-3875	NEW-P	00-06-068
388- 14-490	PREP	00-06-039	388- 14A-2120	NEW-P	00-16-114	388- 14A-3875	NEW	00-09-076
388- 14-490	REP-P	00-16-114	388- 14A-2125	NEW-P	00-16-114	388- 14A-3900	NEW-P	00-16-114
388- 14-495	PREP	00-06-039	388- 14A-2150	NEW-P	00-16-114	388- 14A-3925	NEW-P	00-16-114
388- 14-495	REP-P	00-16-114	388- 14A-2155	NEW-P	00-16-114	388- 14A-4000	NEW-P	00-16-114
388- 14-496	REP-P	00-16-114	388- 14A-2160	NEW-P	00-16-114	388- 14A-4010	NEW-P	00-16-114
388- 14-500	PREP	00-06-039	388- 14A-3100	NEW-P	00-10-096	388- 14A-4020	NEW-P	00-16-114
388- 14-500	REP-P	00-16-114	388- 14A-3100	NEW	00-15-016	388- 14A-4030	NEW-P	00-16-114
388- 14-510	PREP	00-06-039	388- 14A-3102	NEW-P	00-10-096	388- 14A-4040	NEW-P	00-16-114
388- 14-510	REP-P	00-16-114	388- 14A-3102	NEW	00-15-016	388- 14A-4100	NEW-P	00-16-114
388- 14-520	PREP	00-06-039	388- 14A-3105	NEW-P	00-10-096	388- 14A-4110	NEW-P	00-16-114
388- 14-520	REP-P	00-16-114	388- 14A-3105	NEW	00-15-016	388- 14A-4115	NEW-P	00-16-114
388- 14-530	PREP	00-06-039	388- 14A-3110	NEW-P	00-10-096	388- 14A-4120	NEW-P	00-16-114
388- 14-530	REP-P	00-16-114	388- 14A-3110	NEW	00-15-016	388- 14A-4130	NEW-P	00-16-114
388- 14-540	PREP	00-06-039	388- 14A-3115	NEW-P	00-10-096	388- 14A-4200	NEW-P	00-16-114
388- 14-540	REP-P	00-16-114	388- 14A-3115	NEW	00-15-016	388- 14A-4300	NEW-P	00-16-114
388- 14-550	PREP	00-06-039	388- 14A-3120	NEW-P	00-10-096	388- 14A-4500	NEW-P	00-16-114
388- 14-550	REP-P	00-16-114	388- 14A-3120	NEW	00-15-016	388- 14A-4505	NEW-P	00-16-114
388- 14-560	PREP	00-06-039	388- 14A-3125	NEW-P	00-10-096	388- 14A-4510	NEW-P	00-16-114
388- 14-560	REP-P	00-16-114	388- 14A-3125	NEW	00-15-016	388- 14A-4515	NEW-P	00-16-114
388- 14-570	PREP	00-06-039	388- 14A-3130	NEW-P	00-10-096	388- 14A-4520	NEW-P	00-16-114
388- 14-570	REP-P	00-16-114	388- 14A-3130	NEW	00-15-016	388- 14A-4525	NEW-P	00-16-114
388- 14A-1000	NEW-P	00-16-114	388- 14A-3131	NEW-P	00-10-096	388- 14A-4530	NEW-P	00-16-114
388- 14A-1005	NEW-P	00-16-114	388- 14A-3131	NEW	00-15-016	388- 14A-4600	NEW-P	00-16-114
388- 14A-1010	NEW-P	00-16-114	388- 14A-3132	NEW-P	00-10-096	388- 14A-4605	NEW-P	00-16-114
388- 14A-1015	NEW-P	00-16-114	388- 14A-3132	NEW	00-15-016	388- 14A-4610	NEW-P	00-16-114
388- 14A-1020	NEW-P	00-16-114	388- 14A-3133	NEW-P	00-10-096	388- 14A-4615	NEW-P	00-16-114
388- 14A-1025	NEW-P	00-16-114	388- 14A-3133	NEW	00-15-016	388- 14A-4620	NEW-P	00-16-114
388- 14A-1030	NEW-P	00-16-114	388- 14A-3135	NEW-P	00-10-096	388- 14A-5000	NEW-P	00-16-114
388- 14A-1035	NEW-P	00-16-114	388- 14A-3135	NEW	00-15-016	388- 14A-5050	NEW-P	00-16-114
388- 14A-1040	NEW-P	00-16-114	388- 14A-3140	NEW-P	00-10-096	388- 14A-5100	NEW-P	00-16-114
388- 14A-1045	NEW-P	00-16-114	388- 14A-3140	NEW	00-15-016	388- 14A-5200	NEW-P	00-16-114
388- 14A-1050	NEW-P	00-16-114	388- 14A-3200	NEW-P	00-10-096	388- 14A-5300	NEW-P	00-16-114
388- 14A-1055	NEW-P	00-16-114	388- 14A-3200	NEW	00-15-016	388- 14A-5400	NEW-P	00-16-114
388- 14A-1060	NEW-P	00-16-114	388- 14A-3205	NEW-P	00-10-096	388- 14A-5500	NEW-P	00-16-114
388- 14A-2000	NEW-P	00-16-114	388- 14A-3205	NEW	00-15-016	388- 14A-5505	NEW-P	00-16-114
388- 14A-2005	NEW-P	00-16-114	388- 14A-3275	NEW-P	00-16-114	388- 14A-5510	NEW-P	00-16-114
388- 14A-2010	NEW-P	00-16-114	388- 14A-3300	NEW-P	00-16-114	388- 14A-5515	NEW-P	00-16-114
388- 14A-2015	NEW-P	00-16-114	388- 14A-3304	NEW-P	00-16-114	388- 14A-5520	NEW-P	00-16-114
388- 14A-2020	NEW-P	00-16-114	388- 14A-3310	NEW-P	00-16-114	388- 14A-5525	NEW-P	00-16-114
388- 14A-2025	NEW-P	00-16-114	388- 14A-3315	NEW-P	00-16-114	388- 14A-5530	NEW-P	00-16-114
388- 14A-2030	NEW-P	00-16-114	388- 14A-3320	NEW-P	00-16-114	388- 14A-5535	NEW-P	00-16-114
388- 14A-2035	NEW-P	00-16-114	388- 14A-3350	NEW-P	00-16-114	388- 14A-5540	NEW-P	00-16-114
388- 14A-2036	NEW-P	00-16-114	388- 14A-3370	NEW-P	00-16-114	388- 14A-6000	NEW-P	00-16-114
388- 14A-2037	NEW-P	00-16-114	388- 14A-3375	NEW-P	00-16-114	388- 14A-6100	NEW-P	00-16-114
388- 14A-2038	NEW-P	00-16-114	388- 14A-3400	NEW-P	00-16-114	388- 14A-6200	NEW-P	00-16-114
388- 14A-2040	NEW-P	00-16-114	388- 14A-3500	NEW-P	00-16-114	388- 14A-6300	NEW-P	00-16-114
388- 14A-2041	NEW-P	00-16-114	388- 14A-3600	NEW-P	00-16-114	388- 14A-6400	NEW-P	00-16-114
388- 14A-2045	NEW-P	00-16-114	388- 14A-3700	NEW-P	00-16-114	388- 14A-6405	NEW-P	00-16-114
388- 14A-2050	NEW-P	00-16-114	388- 14A-3800	NEW-P	00-16-114	388- 14A-6410	NEW-P	00-16-114
388- 14A-2060	NEW-P	00-16-114	388- 14A-3810	NEW-P	00-16-114	388- 14A-6415	NEW-P	00-16-114
388- 14A-2065	NEW-P	00-16-114	388- 14A-3850	NEW-P	00-06-068	388- 14A-6500	NEW-P	00-16-114
388- 14A-2070	NEW-P	00-16-114	388- 14A-3850	NEW	00-09-076	388- 14A-7100	NEW-P	00-16-114
388- 14A-2075	NEW-P	00-16-114	388- 14A-3850	NEW-P	00-16-114	388- 14A-7200	NEW-P	00-16-114
388- 14A-2080	NEW-P	00-16-114	388- 14A-3855	NEW-P	00-06-068	388- 14A-8100	NEW-P	00-16-114
388- 14A-2085	NEW-P	00-16-114	388- 14A-3855	NEW	00-09-076	388- 14A-8105	NEW-P	00-16-114
388- 14A-2090	NEW-P	00-16-114	388- 14A-3860	NEW-P	00-06-068	388- 14A-8110	NEW-P	00-16-114
388- 14A-2095	NEW-P	00-16-114	388- 14A-3860	NEW	00-09-076	388- 14A-8120	NEW-P	00-16-114
388- 14A-2097	NEW-P	00-16-114	388- 14A-3865	NEW-P	00-06-068	388- 14A-8200	NEW-P	00-16-114

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 14A-8300	NEW-P	00-16-114	388- 15-695	REP	00-04-056	388- 71-0410	PREP	00-11-092
388- 14A-8400	NEW-P	00-16-114	388- 15-700	REP	00-04-056	388- 71-0415	NEW	00-04-056
388- 14A-8500	NEW-P	00-16-114	388- 15-705	REP	00-04-056	388- 71-0420	NEW	00-04-056
388- 15-120	REP	00-03-029	388- 15-710	REP	00-04-056	388- 71-0425	NEW	00-04-056
388- 15-145	REP	00-04-056	388- 15-715	REP	00-04-056	388- 71-0430	NEW	00-04-056
388- 15-194	PREP	00-11-092	388- 15-810	REP	00-04-056	388- 71-0430	AMD-P	00-10-033
388- 15-196	REP	00-03-043	388- 15-830	REP	00-04-056	388- 71-0430	AMD	00-13-077
388- 15-19600	REP	00-03-043	388- 15-880	REP	00-04-056	388- 71-0435	NEW-P	00-10-033
388- 15-19610	REP	00-03-043	388- 15-890	REP	00-04-056	388- 71-0435	NEW	00-13-077
388- 15-19620	REP	00-03-043	388- 15-895	REP	00-04-056	388- 71-0440	NEW	00-04-056
388- 15-19630	REP	00-03-043	388- 17-010	REP	00-04-056	388- 71-0440	PREP	00-11-092
388- 15-19640	REP	00-03-043	388- 17-020	REP	00-04-056	388- 71-0445	NEW	00-04-056
388- 15-19650	REP	00-03-043	388- 17-100	REP	00-04-056	388- 71-0445	PREP	00-07-100
388- 15-19660	REP	00-03-043	388- 17-120	REP	00-04-056	388- 71-0445	PREP	00-11-092
388- 15-19670	REP	00-03-043	388- 17-160	REP	00-04-056	388- 71-0445	AMD-P	00-12-035
388- 15-19680	REP	00-03-043	388- 17-180	REP	00-04-056	388- 71-0450	NEW	00-04-056
388- 15-198	REP	00-03-043	388- 17-500	REP	00-04-056	388- 71-0455	NEW	00-04-056
388- 15-200	REP	00-04-056	388- 17-510	REP	00-04-056	388- 71-0460	NEW	00-04-056
388- 15-201	REP	00-04-056	388- 18-010	REP-XR	00-11-061	388- 71-0465	NEW	00-04-056
388- 15-202	PREP	00-11-092	388- 18-020	REP-XR	00-11-061	388- 71-0470	NEW	00-04-056
388- 15-203	PREP	00-11-092	388- 18-030	REP-XR	00-11-061	388- 71-0470	PREP	00-07-100
388- 15-204	PREP	00-11-092	388- 18-040	REP-XR	00-11-061	388- 71-0470	AMD-P	00-12-035
388- 15-205	PREP	00-11-092	388- 18-050	REP-XR	00-11-061	388- 71-0475	NEW	00-04-056
388- 15-206	REP	00-04-056	388- 18-060	REP-XR	00-11-061	388- 71-0480	NEW	00-04-056
388- 15-207	REP	00-04-056	388- 18-070	REP-XR	00-11-061	388- 71-0480	PREP	00-07-100
388- 15-209	REP	00-04-056	388- 18-080	REP-XR	00-11-061	388- 71-0480	AMD-P	00-12-035
388- 15-214	REP	00-04-056	388- 18-090	REP-XR	00-11-061	388- 71-0500	NEW	00-03-043
388- 15-215	REP	00-04-056	388- 18-100	REP-XR	00-11-061	388- 71-0505	NEW	00-03-043
388- 15-219	REP	00-04-056	388- 18-110	REP-XR	00-11-061	388- 71-0510	NEW	00-03-043
388- 15-222	REP	00-04-056	388- 18-120	REP-XR	00-11-061	388- 71-0515	NEW	00-03-043
388- 15-360	REP-P	00-16-087	388- 18-130	REP-XR	00-11-061	388- 71-0520	NEW	00-03-043
388- 15-548	REP	00-04-056	388- 24-2070	REP	00-03-012	388- 71-0525	NEW	00-03-043
388- 15-551	REP	00-04-056	388- 24-2100	REP	00-03-012	388- 71-0530	NEW	00-03-043
388- 15-552	REP	00-04-056	388- 24-2150	REP	00-03-012	388- 71-0535	NEW	00-03-043
388- 15-553	REP	00-04-056	388- 24-2200	REP	00-03-012	388- 71-0540	NEW	00-03-043
388- 15-554	REP	00-04-056	388- 24-2250	REP	00-03-012	388- 71-0545	NEW	00-03-043
388- 15-555	REP	00-04-056	388- 24-2350	REP	00-03-012	388- 71-0550	NEW	00-03-043
388- 15-560	REP	00-04-056	388- 24-2430	REP	00-03-012	388- 71-0555	NEW	00-03-043
388- 15-562	REP	00-04-056	388- 31	PREP	00-09-034	388- 71-0560	NEW	00-03-043
388- 15-563	REP	00-04-056	388- 31-010	REP-P	00-12-083	388- 71-0580	NEW	00-03-043
388- 15-564	REP	00-04-056	388- 31-015	REP-P	00-12-083	388- 71-0600	NEW	00-04-056
388- 15-566	REP	00-04-056	388- 31-020	REP-P	00-12-083	388- 71-0605	NEW	00-04-056
388- 15-568	REP	00-04-056	388- 31-025	REP-P	00-12-083	388- 71-0610	NEW	00-04-056
388- 15-600	REP	00-04-056	388- 31-030	REP-P	00-12-083	388- 71-0615	NEW	00-04-056
388- 15-610	REP-P	00-10-033	388- 31-035	REP-P	00-12-083	388- 71-0620	NEW	00-04-056
388- 15-610	REP	00-13-077	388- 46-010	PREP	00-13-061	388- 71-1000	NEW	00-04-056
388- 15-620	REP	00-04-056	388- 46-100	PREP	00-13-061	388- 71-1005	NEW	00-04-056
388- 15-630	REP	00-04-056	388- 46-110	PREP	00-13-061	388- 71-1010	NEW	00-04-056
388- 15-650	PREP	00-08-049	388- 46-120	PREP	00-13-061	388- 71-1015	NEW	00-04-056
388- 15-651	PREP	00-08-049	388- 55-024	REP-P	00-16-087	388- 71-1020	NEW	00-04-056
388- 15-652	PREP	00-08-049	388- 55-027	REP-P	00-16-087	388- 71-1025	NEW	00-04-056
388- 15-653	PREP	00-08-049	388- 55-050	REP-P	00-16-087	388- 71-1030	NEW	00-04-056
388- 15-654	PREP	00-08-049	388- 71-0100	NEW	00-03-029	388- 71-1035	NEW	00-04-056
388- 15-655	PREP	00-08-049	388- 71-0105	NEW	00-03-029	388- 71-1065	NEW	00-04-056
388- 15-656	PREP	00-08-049	388- 71-0110	NEW	00-03-029	388- 71-1070	NEW	00-04-056
388- 15-657	PREP	00-08-049	388- 71-0115	NEW	00-03-029	388- 71-1075	NEW	00-04-056
388- 15-658	PREP	00-08-049	388- 71-0120	NEW	00-03-029	388- 71-1080	NEW	00-04-056
388- 15-659	PREP	00-08-049	388- 71-0150	NEW	00-03-029	388- 71-1085	NEW	00-04-056
388- 15-660	PREP	00-08-049	388- 71-0155	NEW	00-03-029	388- 71-1090	NEW	00-04-056
388- 15-661	PREP	00-08-049	388- 71-0400	NEW	00-04-056	388- 71-1095	NEW	00-04-056
388- 15-662	PREP	00-08-049	388- 71-0405	NEW	00-04-056	388- 71-1100	NEW	00-04-056
388- 15-690	REP	00-04-056	388- 71-0410	NEW	00-04-056	388- 71-1105	NEW	00-04-056

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 71-1110	NEW	00-04-056	388- 87-067	REP	00-05-039	388- 97-07040	NEW	00-06-028
388- 76-61510	PREP	00-07-057	388- 87-075	REP-P	00-12-080	388- 97-07045	NEW	00-06-028
388- 76-640	PREP	00-07-057	388- 87-077	REP	00-05-039	388- 97-07050	NEW	00-06-028
388- 78A	PREP	00-15-014	388- 87-079	REP-P	00-14-064	388- 97-07055	NEW	00-06-028
388- 81	PREP	00-07-055	388- 87-090	REP	00-04-019	388- 97-07060	NEW	00-06-028
388- 86	PREP	00-03-011	388- 87-095	REP-P	00-12-080	388- 97-07065	NEW	00-06-028
388- 86-005	DECOD	00-11-183	388- 87-110	REP-P	00-13-008	388- 97-07070	NEW	00-06-028
388- 86-011	REP-P	00-12-080	388- 87-200	PREP	00-07-056	388- 97-075	AMD	00-06-028
388- 86-012	PREP	00-03-011	388- 87-200	REP-P	00-09-043	388- 97-076	NEW	00-06-028
388- 86-012	REP-XR	00-08-057	388- 87-200	REP	00-15-050	388- 97-077	NEW	00-06-028
388- 86-012	REP	00-11-142	388- 90-010	REP	00-07-045	388- 97-080	REP	00-06-028
388- 86-017	PREP	00-05-108	388- 96	PREP	00-12-077	388- 97-08010	NEW	00-06-028
388- 86-018	DECOD	00-11-183	388- 96-779	NEW-P	00-09-080	388- 97-08020	NEW	00-06-028
388- 86-019	PREP	00-03-011	388- 96-779	NEW-E	00-10-035	388- 97-08030	NEW	00-06-028
388- 86-019	REP-P	00-11-138	388- 96-779	NEW	00-12-098	388- 97-08040	NEW	00-06-028
388- 86-019	REP	00-16-031	388- 96-780	NEW-P	00-09-080	388- 97-08050	NEW	00-06-028
388- 86-024	REP-P	00-09-041	388- 96-780	NEW-E	00-10-035	388- 97-08060	NEW	00-06-028
388- 86-024	REP	00-14-068	388- 96-780	NEW	00-12-098	388- 97-08070	NEW	00-06-028
388- 86-027	DECOD	00-11-183	388- 96-781	NEW-P	00-09-080	388- 97-085	AMD	00-06-028
388- 86-035	PREP	00-07-056	388- 96-781	NEW-E	00-10-035	388- 97-090	AMD	00-06-028
388- 86-035	REP-P	00-11-093	388- 96-781	NEW	00-12-098	388- 97-095	REP	00-06-028
388- 86-035	REP	00-14-066	388- 96-782	NEW-P	00-09-080	388- 97-097	NEW	00-06-028
388- 86-055	REP-P	00-12-080	388- 96-782	NEW-E	00-10-035	388- 97-100	REP	00-06-028
388- 86-059	REP-P	00-14-064	388- 96-782	NEW	00-12-098	388- 97-105	REP	00-06-028
388- 86-067	REP	00-05-039	388- 96-901	AMD-P	00-09-080	388- 97-110	AMD	00-06-028
388- 86-071	PREP	00-09-033	388- 96-901	AMD-E	00-10-035	388- 97-115	AMD	00-06-028
388- 86-087	PREP	00-07-056	388- 96-901	AMD	00-12-098	388- 97-120	AMD	00-06-028
388- 86-087	REP-P	00-13-104	388- 97-005	AMD	00-06-028	388- 97-12010	NEW	00-06-028
388- 86-090	REP	00-04-019	388- 97-010	REP	00-06-028	388- 97-12020	NEW	00-06-028
388- 86-095	REP-P	00-12-080	388- 97-012	NEW	00-06-028	388- 97-12030	NEW	00-06-028
388- 86-09601	REP-P	00-12-080	388- 97-015	REP	00-06-028	388- 97-12040	NEW	00-06-028
388- 86-100	REP-P	00-13-008	388- 97-017	NEW	00-06-028	388- 97-12050	NEW	00-06-028
388- 86-105	REP-XR	00-09-039	388- 97-020	REP	00-06-028	388- 97-12060	NEW	00-06-028
388- 86-105	REP	00-13-014	388- 97-022	NEW	00-06-028	388- 97-12070	NEW	00-06-028
388- 86-110	PREP	00-03-011	388- 97-022	PREP	00-11-105	388- 97-125	AMD	00-06-028
388- 86-110	REP-P	00-12-080	388- 97-025	REP	00-06-028	388- 97-130	AMD	00-06-028
388- 86-115	PREP	00-03-011	388- 97-027	NEW	00-06-028	388- 97-135	AMD	00-06-028
388- 86-120	PREP	00-03-011	388- 97-027	PREP	00-11-105	388- 97-140	AMD	00-06-028
388- 86-200	AMD-P	00-14-064	388- 97-030	REP	00-06-028	388- 97-145	REP	00-06-028
388- 86-300	PREP	00-03-011	388- 97-032	NEW	00-06-028	388- 97-147	NEW	00-06-028
388- 86-300	REP-P	00-14-045	388- 97-035	REP	00-06-028	388- 97-150	REP	00-06-028
388- 87	PREP	00-03-011	388- 97-037	NEW	00-06-028	388- 97-155	AMD	00-06-028
388- 87-005	REP-P	00-09-043	388- 97-040	REP	00-06-028	388- 97-160	AMD	00-06-028
388- 87-005	REP	00-15-050	388- 97-042	NEW	00-06-028	388- 97-162	NEW	00-06-028
388- 87-007	REP-P	00-09-043	388- 97-043	NEW	00-06-028	388- 97-165	AMD	00-06-028
388- 87-007	REP	00-15-050	388- 97-045	REP	00-06-028	388- 97-170	AMD	00-06-028
388- 87-008	REP-P	00-09-043	388- 97-047	NEW	00-06-028	388- 97-175	AMD	00-06-028
388- 87-008	REP	00-15-050	388- 97-050	REP	00-06-028	388- 97-180	AMD	00-06-028
388- 87-010	REP-P	00-09-043	388- 97-051	NEW	00-06-028	388- 97-185	AMD	00-06-028
388- 87-010	REP	00-15-050	388- 97-052	NEW	00-06-028	388- 97-190	AMD	00-06-028
388- 87-011	REP-P	00-09-043	388- 97-053	NEW	00-06-028	388- 97-195	AMD	00-06-028
388- 87-011	REP	00-15-050	388- 97-055	AMD	00-06-028	388- 97-200	REP	00-06-028
388- 87-012	REP-P	00-09-043	388- 97-060	AMD	00-06-028	388- 97-202	NEW	00-06-028
388- 87-012	REP	00-15-050	388- 97-065	AMD	00-06-028	388- 97-205	AMD	00-06-028
388- 87-015	REP-P	00-09-042	388- 97-070	REP	00-06-028	388- 97-210	REP	00-06-028
388- 87-015	REP	00-14-067	388- 97-07005	NEW	00-06-028	388- 97-212	NEW	00-06-028
388- 87-019	REP-P	00-11-138	388- 97-07010	NEW	00-06-028	388- 97-215	REP	00-06-028
388- 87-019	REP	00-16-031	388- 97-07015	NEW	00-06-028	388- 97-220	AMD	00-06-028
388- 87-027	PREP	00-03-011	388- 97-07020	NEW	00-06-028	388- 97-225	REP	00-06-028
388- 87-045	REP-XR	00-09-040	388- 97-07025	NEW	00-06-028	388- 97-230	REP	00-06-028
388- 87-045	REP	00-13-013	388- 97-07030	NEW	00-06-028	388- 97-235	REP	00-06-028
388- 87-048	DECOD	00-11-183	388- 97-07035	NEW	00-06-028	388- 97-240	REP	00-06-028

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-97-245	REP	00-06-028	388-97-353	NEW	00-06-028	388-97-475	REP	00-06-028
388-97-247	NEW	00-06-028	388-97-355	AMD	00-06-028	388-97-480	AMD	00-06-028
388-97-249	NEW	00-06-028	388-97-357	NEW	00-06-028	388-97-48010	NEW	00-06-028
388-97-250	REP	00-06-028	388-97-35710	NEW	00-06-028	388-97-48020	NEW	00-06-028
388-97-251	NEW	00-06-028	388-97-35720	NEW	00-06-028	388-97-48030	NEW	00-06-028
388-97-253	NEW	00-06-028	388-97-360	AMD	00-06-028	388-97-48040	NEW	00-06-028
388-97-255	REP	00-06-028	388-97-36010	NEW	00-06-028	388-97-550	NEW	00-06-028
388-97-260	AMD	00-06-028	388-97-36020	NEW	00-06-028	388-97-555	NEW	00-06-028
388-97-265	REP	00-06-028	388-97-36030	NEW	00-06-028	388-97-560	NEW	00-06-028
388-97-270	REP	00-06-028	388-97-36040	NEW	00-06-028	388-97-565	NEW	00-06-028
388-97-275	REP	00-06-028	388-97-36050	NEW	00-06-028	388-97-570	NEW	00-06-028
388-97-280	REP	00-06-028	388-97-36060	NEW	00-06-028	388-97-575	NEW	00-06-028
388-97-285	NEW	00-06-028	388-97-36070	NEW	00-06-028	388-97-580	NEW	00-06-028
388-97-295	AMD	00-06-028	388-97-365	AMD	00-06-028	388-97-585	NEW	00-06-028
388-97-29510	NEW	00-06-028	388-97-36510	NEW	00-06-028	388-97-590	NEW	00-06-028
388-97-29520	NEW	00-06-028	388-97-36520	NEW	00-06-028	388-97-595	NEW	00-06-028
388-97-29530	NEW	00-06-028	388-97-36530	NEW	00-06-028	388-97-600	NEW	00-06-028
388-97-29540	NEW	00-06-028	388-97-370	AMD	00-06-028	388-155-010	AMD	00-06-040
388-97-29550	NEW	00-06-028	388-97-37010	NEW	00-06-028	388-155-020	AMD	00-06-040
388-97-29560	NEW	00-06-028	388-97-37020	NEW	00-06-028	388-155-040	AMD-XA	00-09-089
388-97-300	REP	00-06-028	388-97-375	AMD	00-06-028	388-155-050	AMD-XA	00-09-089
388-97-305	REP	00-06-028	388-97-380	REP	00-06-028	388-155-060	AMD-XA	00-09-089
388-97-310	AMD	00-06-028	388-97-385	AMD	00-06-028	388-155-070	AMD	00-06-040
388-97-315	AMD	00-06-028	388-97-390	REP	00-06-028	388-155-085	AMD-XA	00-09-089
388-97-320	REP	00-06-028	388-97-395	REP	00-06-028	388-155-090	AMD-XA	00-09-089
388-97-325	AMD	00-06-028	388-97-400	AMD	00-06-028	388-155-092	AMD-XA	00-09-089
388-97-32510	NEW	00-06-028	388-97-40010	NEW	00-06-028	388-155-093	AMD-XA	00-09-089
388-97-32520	NEW	00-06-028	388-97-401	NEW	00-06-028	388-155-094	AMD-XA	00-09-089
388-97-32530	NEW	00-06-028	388-97-402	NEW	00-06-028	388-155-095	AMD-XA	00-09-089
388-97-32540	NEW	00-06-028	388-97-403	NEW	00-06-028	388-155-098	AMD	00-06-040
388-97-32550	NEW	00-06-028	388-97-405	AMD	00-06-028	388-155-100	AMD	00-06-040
388-97-32560	NEW	00-06-028	388-97-410	AMD	00-06-028	388-155-110	AMD	00-06-040
388-97-32570	NEW	00-06-028	388-97-415	AMD	00-06-028	388-155-120	AMD	00-06-040
388-97-32580	NEW	00-06-028	388-97-420	AMD	00-06-028	388-155-130	AMD	00-06-040
388-97-330	AMD	00-06-028	388-97-425	AMD	00-06-028	388-155-140	AMD	00-06-040
388-97-33010	NEW	00-06-028	388-97-430	AMD	00-06-028	388-155-150	AMD	00-06-040
388-97-33020	NEW	00-06-028	388-97-43010	NEW	00-06-028	388-155-160	AMD-XA	00-09-089
388-97-33030	NEW	00-06-028	388-97-43020	NEW	00-06-028	388-155-165	AMD	00-06-040
388-97-33040	NEW	00-06-028	388-97-43030	NEW	00-06-028	388-155-170	AMD	00-06-040
388-97-33050	NEW	00-06-028	388-97-43040	NEW	00-06-028	388-155-180	AMD	00-06-040
388-97-335	AMD	00-06-028	388-97-43050	NEW	00-06-028	388-155-190	AMD-XA	00-09-089
388-97-33510	NEW	00-06-028	388-97-435	REP	00-06-028	388-155-200	AMD	00-06-040
388-97-33520	NEW	00-06-028	388-97-440	REP	00-06-028	388-155-210	REP	00-06-040
388-97-33530	NEW	00-06-028	388-97-445	REP	00-06-028	388-155-220	AMD	00-06-040
388-97-33540	NEW	00-06-028	388-97-450	REP	00-06-028	388-155-230	AMD	00-06-040
388-97-33550	NEW	00-06-028	388-97-455	AMD	00-06-028	388-155-240	AMD	00-06-040
388-97-33560	NEW	00-06-028	388-97-45510	NEW	00-06-028	388-155-250	AMD	00-06-040
388-97-33570	NEW	00-06-028	388-97-460	AMD	00-06-028	388-155-260	REP	00-06-040
388-97-33580	NEW	00-06-028	388-97-46010	NEW	00-06-028	388-155-270	AMD	00-06-040
388-97-340	AMD	00-06-028	388-97-465	AMD	00-06-028	388-155-270	AMD-XA	00-09-089
388-97-34010	NEW	00-06-028	388-97-46510	NEW	00-06-028	388-155-280	AMD	00-06-040
388-97-34020	NEW	00-06-028	388-97-46520	NEW	00-06-028	388-155-290	AMD	00-06-040
388-97-345	AMD	00-06-028	388-97-46530	NEW	00-06-028	388-155-295	AMD	00-06-040
388-97-347	NEW	00-06-028	388-97-46540	NEW	00-06-028	388-155-310	AMD	00-06-040
388-97-350	AMD	00-06-028	388-97-46550	NEW	00-06-028	388-155-320	AMD	00-06-040
388-97-35010	NEW	00-06-028	388-97-46560	NEW	00-06-028	388-155-330	AMD-XA	00-09-089
388-97-35020	NEW	00-06-028	388-97-46570	NEW	00-06-028	388-155-340	AMD	00-06-040
388-97-35030	NEW	00-06-028	388-97-46580	NEW	00-06-028	388-155-350	AMD	00-06-040
388-97-35040	NEW	00-06-028	388-97-46590	NEW	00-06-028	388-155-360	AMD	00-06-040
388-97-35050	NEW	00-06-028	388-97-470	AMD	00-06-028	388-155-370	AMD-XA	00-09-089
388-97-35060	NEW	00-06-028	388-97-47010	NEW	00-06-028	388-155-380	AMD-XA	00-09-089
388-97-352	NEW	00-06-028	388-97-47020	NEW	00-06-028	388-155-390	AMD	00-06-040

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-155-400	AMD	00-06-040	388-235-7000	REP-P	00-11-129	388-240-4100	REP	00-16-077
388-155-410	AMD	00-06-040	388-235-7000	REP	00-16-113	388-240-4200	REP-P	00-11-107
388-155-420	AMD-XA	00-09-089	388-235-7100	REP-P	00-11-129	388-240-4200	REP	00-16-077
388-155-430	AMD	00-06-040	388-235-7100	REP	00-16-113	388-240-4400	REP-P	00-11-107
388-155-440	AMD	00-06-040	388-235-7200	REP-P	00-11-129	388-240-4400	REP	00-16-077
388-155-450	AMD	00-06-040	388-235-7200	REP	00-16-113	388-240-4600	REP-P	00-11-107
388-155-460	AMD	00-06-040	388-235-7300	REP-P	00-11-129	388-240-4600	REP	00-16-077
388-155-470	AMD	00-06-040	388-235-7300	REP	00-16-113	388-240-5100	REP-P	00-11-107
388-155-480	AMD-XA	00-09-089	388-235-7400	REP-P	00-11-129	388-240-5100	REP	00-16-077
388-155-490	AMD	00-06-040	388-235-7400	REP	00-16-113	388-240-6100	REP-P	00-11-107
388-155-500	AMD	00-06-040	388-235-7500	REP-P	00-11-129	388-240-6100	REP	00-16-077
388-155-600	AMD	00-06-040	388-235-7500	REP	00-16-113	388-255	PREP	00-08-054
388-155-605	AMD-XA	00-09-089	388-235-7600	REP-P	00-11-129	388-255-1020	REP-P	00-12-081
388-155-610	AMD-XA	00-09-089	388-235-7600	REP	00-16-113	388-255-1020	REP	00-15-053
388-155-620	AMD-XA	00-09-089	388-235-8000	REP-P	00-11-129	388-255-1050	REP-P	00-12-081
388-155-630	AMD-XA	00-09-089	388-235-8000	REP	00-16-113	388-255-1050	REP	00-15-053
388-155-640	AMD-XA	00-09-089	388-235-8100	REP-P	00-11-129	388-255-1100	REP-P	00-12-081
388-155-650	AMD-XA	00-09-089	388-235-8100	REP	00-16-113	388-255-1100	REP	00-15-053
388-155-660	AMD-XA	00-09-089	388-235-8130	REP-P	00-11-129	388-255-1150	REP-P	00-12-081
388-155-670	AMD-XA	00-09-089	388-235-8130	REP	00-16-113	388-255-1150	REP	00-15-053
388-155-680	AMD-XA	00-09-089	388-235-8140	REP-P	00-11-129	388-255-1200	REP-P	00-12-081
388-200-1160	REP	00-03-035	388-235-8140	REP	00-16-113	388-255-1200	REP	00-15-053
388-200-1300	PREP	00-04-036	388-235-8150	REP-P	00-11-129	388-255-1250	REP-P	00-12-081
388-200-1350	PREP	00-04-036	388-235-8150	REP	00-16-113	388-255-1250	REP	00-15-053
388-222-001	PREP	00-16-112	388-235-8200	REP-P	00-11-129	388-255-1300	REP-P	00-12-081
388-222-010	PREP	00-16-112	388-235-8200	REP	00-16-113	388-255-1300	REP	00-15-053
388-222-020	PREP	00-16-112	388-235-9000	AMD	00-05-007	388-265-1650	PREP	00-07-101
388-235	PREP	00-08-051	388-235-9000	REP-P	00-11-129	388-265-1650	AMD-P	00-16-088
388-235-1500	REP-P	00-11-129	388-235-9000	REP	00-16-113	388-265-1750	PREP	00-07-101
388-235-1500	REP	00-16-113	388-235-9100	REP-P	00-11-129	388-265-1750	REP-P	00-16-088
388-235-5000	REP-P	00-11-129	388-235-9100	REP	00-16-113	388-273-0010	NEW-P	00-12-083
388-235-5000	REP	00-16-113	388-235-9200	REP-P	00-11-129	388-273-0020	NEW-P	00-12-083
388-235-5050	REP-P	00-11-129	388-235-9200	REP	00-16-113	388-273-0025	NEW-P	00-12-083
388-235-5050	REP	00-16-113	388-235-9300	REP-P	00-11-129	388-273-0030	NEW-P	00-12-083
388-235-5060	REP-P	00-11-129	388-235-9300	REP	00-16-113	388-273-0035	NEW-P	00-12-083
388-235-5060	REP	00-16-113	388-240-0010	REP-P	00-11-107	388-275-0010	REP-P	00-15-070
388-235-5070	REP-P	00-11-129	388-240-0010	REP	00-16-077	388-275-0040	REP-P	00-15-070
388-235-5070	REP	00-16-113	388-240-0020	REP-P	00-11-107	388-275-0080	REP-P	00-15-070
388-235-5080	REP-P	00-11-129	388-240-0020	REP	00-16-077	388-280	AMD-P	00-16-086
388-235-5080	REP	00-16-113	388-240-1100	REP-P	00-11-107	388-280-0010	NEW-P	00-16-086
388-235-5090	REP-P	00-11-129	388-240-1100	REP	00-16-077	388-280-0020	NEW-P	00-16-086
388-235-5090	REP	00-16-113	388-240-1200	REP-P	00-11-107	388-280-0030	NEW-P	00-16-086
388-235-5100	REP-P	00-11-129	388-240-1200	REP	00-16-077	388-280-0040	NEW-P	00-16-086
388-235-5100	REP	00-16-113	388-240-2100	REP-P	00-11-107	388-280-0050	NEW-P	00-16-086
388-235-5200	REP-P	00-11-129	388-240-2100	REP	00-16-077	388-280-0060	NEW-P	00-16-086
388-235-5200	REP	00-16-113	388-240-2300	REP-P	00-11-107	388-280-1010	REP-P	00-16-086
388-235-5300	REP-P	00-11-129	388-240-2300	REP	00-16-077	388-280-1020	REP-P	00-16-086
388-235-5300	REP	00-16-113	388-240-2400	REP-P	00-11-107	388-280-1030	REP-P	00-16-086
388-235-5400	REP-P	00-11-129	388-240-2400	REP	00-16-077	388-280-1040	REP-P	00-16-086
388-235-5400	REP	00-16-113	388-240-2450	REP-P	00-11-107	388-280-1050	REP-P	00-16-086
388-235-5500	REP-P	00-11-129	388-240-2450	REP	00-16-077	388-280-1060	REP-P	00-16-086
388-235-5500	REP	00-16-113	388-240-2500	REP-P	00-11-107	388-280-1070	REP-P	00-16-086
388-235-5600	REP-P	00-11-129	388-240-2500	REP	00-16-077	388-280-1080	REP-P	00-16-086
388-235-5600	REP	00-16-113	388-240-2550	REP-P	00-11-107	388-280-1090	REP-P	00-16-086
388-235-5700	REP-P	00-11-129	388-240-2550	REP	00-16-077	388-280-1100	REP-P	00-16-086
388-235-5700	REP	00-16-113	388-240-2570	REP-P	00-11-107	388-280-1110	REP-P	00-16-086
388-235-5800	REP-P	00-11-129	388-240-2570	REP	00-16-077	388-280-1120	REP-P	00-16-086
388-235-5800	REP	00-16-113	388-240-2600	REP-P	00-11-107	388-280-1130	REP-P	00-16-086
388-235-5900	REP-P	00-11-129	388-240-2600	REP	00-16-077	388-280-1140	REP-P	00-16-086
388-235-5900	REP	00-16-113	388-240-3100	REP-P	00-11-107	388-280-1150	REP-P	00-16-086
388-235-6000	REP-P	00-11-129	388-240-3100	REP	00-16-077	388-280-1160	REP-P	00-16-086
388-235-6000	REP	00-16-113	388-240-4100	REP-P	00-11-107	388-290-015	AMD-P	00-10-089

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388-290-280	AMD-P	00-10-089	388-290-945	AMD-P	00-13-105	388-418	PREP	00-16-002
388-290-280	AMD-E	00-10-090	388-290-945	AMD	00-16-100	388-418-0012	REP-P	00-03-062
388-290-350	AMD-P	00-10-089	388-290-950	AMD-P	00-10-089	388-418-0012	REP	00-07-077
388-290-350	AMD-E	00-10-090	388-290-950	AMD-E	00-10-090	388-418-0025	AMD-P	00-04-045
388-290-450	AMD-P	00-10-089	388-310	PREP	00-16-024	388-418-0025	AMD	00-08-002
388-290-450	AMD-E	00-10-090	388-310-0200	AMD-P	00-03-051	388-422	PREP	00-11-182
388-290-475	AMD-P	00-10-089	388-310-0200	AMD	00-06-062	388-424	PREP	00-11-182
388-290-475	AMD-E	00-10-090	388-310-0200	PREP	00-07-102	388-424-0015	AMD-P	00-05-110
388-290-550	REP-P	00-10-089	388-310-0200	AMD-P	00-11-140	388-424-0015	AMD	00-08-060
388-290-550	REP-E	00-10-090	388-310-0200	AMD	00-16-055	388-424-0025	AMD-E	00-08-004
388-290-600	AMD-P	00-10-089	388-310-0300	AMD-P	00-03-051	388-424-0025	AMD-P	00-09-082
388-290-600	AMD-E	00-10-090	388-310-0300	AMD	00-06-062	388-424-0025	AMD	00-13-036
388-290-650	AMD-P	00-10-089	388-310-0400	AMD-P	00-03-051	388-426	PREP	00-09-032
388-290-650	AMD-E	00-10-090	388-310-0400	AMD	00-06-062	388-430-0001	REP	00-05-007
388-290-850	AMD-E	00-08-061	388-310-0400	PREP	00-07-102	388-430-0005	REP	00-05-007
388-290-850	AMD-P	00-13-105	388-310-0500	PREP	00-07-102	388-430-0010	REP	00-05-007
388-290-850	AMD	00-16-100	388-310-0600	PREP	00-07-102	388-430-0015	REP	00-05-007
388-290-854	NEW-E	00-08-061	388-310-0600	AMD-P	00-11-140	388-430-0020	REP	00-05-007
388-290-854	NEW-P	00-13-105	388-310-0600	AMD	00-16-055	388-430-0025	REP	00-05-007
388-290-854	NEW	00-16-100	388-310-0700	AMD-P	00-03-051	388-432-0005	PREP	00-16-112
388-290-858	NEW-E	00-08-061	388-310-0700	AMD	00-06-062	388-436-0002	AMD-E	00-16-089
388-290-858	NEW-P	00-13-105	388-310-0800	PREP	00-05-109	388-436-0010	REP-P	00-06-067
388-290-858	NEW	00-16-100	388-310-0800	AMD-E	00-06-061	388-436-0010	REP	00-10-036
388-290-862	NEW-E	00-08-061	388-310-0800	AMD-P	00-08-089	388-438-0110	PREP	00-14-043
388-290-862	NEW-P	00-13-105	388-310-0800	AMD-S	00-10-091	388-440	PREP	00-09-032
388-290-862	NEW	00-16-100	388-310-0800	AMD	00-13-106	388-440-0001	AMD	00-03-034
388-290-866	NEW-E	00-08-061	388-310-0800	AMD-P	00-03-051	388-440-0005	AMD	00-03-034
388-290-866	NEW-P	00-13-105	388-310-1400	AMD-P	00-03-051	388-440-0005	AMD	00-03-034
388-290-866	NEW	00-16-100	388-310-1400	AMD	00-06-062	388-442-0010	AMD	00-05-007
388-290-870	NEW-E	00-08-061	388-310-1450	NEW-P	00-03-051	388-444-0015	AMD	00-04-006
388-290-870	NEW-P	00-13-105	388-310-1450	NEW	00-06-062	388-444-0035	AMD	00-04-006
388-290-870	NEW	00-16-100	388-310-1800	PREP	00-07-102	388-444-0055	AMD	00-04-006
388-290-874	NEW-E	00-08-061	388-310-1800	AMD-P	00-11-140	388-444-0065	AMD	00-04-006
388-290-874	NEW-P	00-13-105	388-310-1800	AMD	00-16-055	388-444-0075	AMD	00-04-006
388-290-874	NEW	00-16-100	388-310-1850	AMD-E	00-03-013	388-448-0001	PREP	00-08-055
388-290-878	NEW-E	00-08-061	388-310-1850	AMD-P	00-04-091	388-448-0001	AMD-P	00-11-127
388-290-878	NEW-P	00-13-105	388-310-1850	AMD	00-08-021	388-448-0001	AMD	00-15-018
388-290-878	NEW	00-16-100	388-310-1850	REP-E	00-14-046	388-448-0005	PREP	00-08-055
388-290-882	NEW-E	00-08-061	388-400	PREP	00-11-182	388-448-0005	REP-P	00-12-040
388-290-882	NEW-P	00-13-105	388-400-0005	AMD	00-05-007	388-448-0005	REP	00-15-051
388-290-882	NEW	00-16-100	388-400-0010	AMD	00-05-007	388-448-0010	NEW-P	00-11-129
388-290-886	NEW-E	00-08-061	388-400-0015	AMD-E	00-13-075	388-448-0010	NEW	00-16-113
388-290-886	NEW-P	00-13-105	388-400-0025	PREP	00-08-056	388-448-0020	NEW-P	00-11-129
388-290-886	NEW	00-16-100	388-400-0025	AMD-P	00-11-128	388-448-0020	NEW	00-16-113
388-290-888	NEW-E	00-08-061	388-400-0025	AMD	00-15-017	388-448-0030	NEW-P	00-11-129
388-290-888	NEW-P	00-13-105	388-400-0035	REP-E	00-15-071	388-448-0030	NEW	00-16-113
388-290-888	NEW	00-16-100	388-404	PREP	00-11-182	388-448-0030	NEW	00-16-113
388-290-905	AMD-E	00-08-061	388-404-0005	AMD	00-05-007	388-448-0035	NEW-P	00-11-129
388-290-905	AMD-P	00-13-105	388-406-0015	AMD	00-06-015	388-448-0035	NEW	00-16-113
388-290-905	AMD	00-16-100	388-406-0060	PREP	00-06-060	388-448-0040	NEW-P	00-11-129
388-290-910	AMD-E	00-08-061	388-406-0060	AMD-P	00-10-093	388-448-0050	NEW-P	00-11-129
388-290-910	AMD-P	00-13-105	388-406-0060	AMD	00-13-076	388-448-0050	NEW	00-16-113
388-290-910	AMD	00-16-100	388-408	PREP	00-11-182	388-448-0060	NEW-P	00-11-129
388-290-920	AMD-P	00-10-089	388-408-0020	AMD	00-05-007	388-448-0060	NEW	00-16-113
388-290-920	AMD-E	00-10-090	388-408-0025	PREP	00-08-050	388-448-0070	NEW-P	00-11-129
388-290-925	AMD-E	00-08-061	388-408-0035	PREP	00-08-052	388-448-0070	NEW	00-16-113
388-290-925	AMD-P	00-13-105	388-412-0025	PREP	00-13-060	388-448-0080	NEW-P	00-11-129
388-290-925	AMD	00-16-100	388-412-0040	PREP	00-13-060	388-448-0080	NEW	00-16-113
388-290-940	AMD-E	00-08-061	388-414-0001	AMD-P	00-07-076	388-448-0090	NEW-P	00-11-129
388-290-940	AMD-P	00-13-105	388-414-0001	AMD	00-11-035	388-448-0090	NEW	00-16-113
388-290-940	AMD	00-16-100	388-414-0001	AMD-E	00-15-042	388-448-0100	NEW-P	00-11-129
			388-416-0015	AMD-P	00-04-045	388-448-0100	NEW	00-16-113

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-448-0110	NEW-P	00-11-129	388-478-0055	AMD-P	00-08-058	388-530-1100	PREP	00-07-087
388-448-0110	NEW	00-16-113	388-478-0055	AMD-E	00-08-059	388-530-1150	PREP	00-07-087
388-448-0120	NEW-P	00-11-129	388-478-0055	AMD	00-11-130	388-530-1200	PREP	00-07-087
388-448-0120	NEW	00-16-113	388-478-0055	PREP	00-13-035	388-530-1250	PREP	00-07-087
388-448-0130	NEW-P	00-11-129	388-478-0055	PREP	00-15-015	388-530-1300	PREP	00-07-087
388-448-0130	NEW	00-16-113	388-478-0070	AMD-P	00-07-075	388-530-1350	PREP	00-07-087
388-448-0140	NEW-P	00-11-129	388-478-0070	AMD	00-10-095	388-530-1400	PREP	00-07-087
388-448-0140	NEW	00-16-113	388-478-0075	PREP	00-07-054	388-530-1450	PREP	00-07-087
388-448-0150	NEW-P	00-11-129	388-478-0075	AMD-E	00-07-089	388-530-1500	PREP	00-07-087
388-448-0150	NEW	00-16-113	388-478-0075	AMD-P	00-14-044	388-530-1550	PREP	00-07-087
388-448-0160	NEW-P	00-11-129	388-478-0075	AMD-E	00-15-041	388-530-1650	PREP	00-07-087
388-448-0160	NEW	00-16-113	388-478-0080	AMD-P	00-07-075	388-530-1700	PREP	00-07-087
388-448-0170	NEW-P	00-11-129	388-478-0080	AMD	00-10-095	388-530-1750	PREP	00-07-088
388-448-0170	NEW	00-16-113	388-478-0085	PREP	00-07-054	388-530-1750	AMD-P	00-11-106
388-448-0180	NEW-P	00-11-129	388-478-0085	AMD-E	00-07-089	388-530-1750	AMD	00-14-071
388-448-0180	NEW	00-16-113	388-478-0085	AMD-P	00-14-044	388-530-1850	PREP	00-07-087
388-448-0190	NEW-P	00-11-129	388-478-0085	AMD-E	00-15-041	388-530-1900	PREP	00-07-087
388-448-0190	NEW	00-16-113	388-480-0001	AMD	00-05-007	388-530-1950	PREP	00-07-087
388-448-0200	NEW-P	00-11-129	388-490-0005	AMD-P	00-04-092	388-531-0050	NEW-P	00-12-080
388-448-0200	NEW	00-16-113	388-490-0005	AMD	00-08-091	388-531-0100	NEW-P	00-12-080
388-448-0210	NEW-P	00-11-129	388-492	PREP	00-08-088	388-531-0150	NEW-P	00-12-080
388-448-0210	NEW	00-16-113	388-501-0050	PREP	00-10-032	388-531-0200	NEW-P	00-12-080
388-450	PREP	00-10-031	388-501-0125	PREP	00-03-011	388-531-0250	NEW-P	00-12-080
388-450	PREP	00-11-182	388-501-0125	AMD-P	00-14-065	388-531-0300	NEW-P	00-12-080
388-450-0005	PREP	00-12-079	388-501-0150	REP-XR	00-09-038	388-531-0350	NEW-P	00-12-080
388-450-0015	PREP	00-03-060	388-501-0150	REP	00-14-047	388-531-0400	NEW-P	00-12-080
388-450-0015	AMD-E	00-06-023	388-501-0160	AMD	00-03-035	388-531-0450	NEW-P	00-12-080
388-450-0015	AMD-P	00-09-081	388-501-0165	AMD	00-03-035	388-531-0500	NEW-P	00-12-080
388-450-0015	AMD-E	00-13-062	388-501-0200	AMD-XA	00-07-044	388-531-0550	NEW-P	00-12-080
388-450-0020	PREP	00-12-079	388-501-0200	AMD	00-11-141	388-531-0600	NEW-P	00-12-080
388-450-0035	AMD-E	00-02-062	388-502-0010	NEW-P	00-09-043	388-531-0650	NEW-P	00-12-080
388-450-0035	AMD-P	00-10-087	388-502-0010	NEW	00-15-050	388-531-0700	NEW-P	00-12-080
388-450-0035	AMD-E	00-10-088	388-502-0020	NEW-P	00-09-043	388-531-0750	NEW-P	00-12-080
388-450-0070	PREP	00-16-052	388-502-0020	NEW	00-15-050	388-531-0800	NEW-P	00-12-080
388-450-0150	PREP	00-12-079	388-502-0030	NEW-P	00-09-043	388-531-0850	NEW-P	00-12-080
388-450-0210	PREP	00-12-079	388-502-0030	NEW	00-15-050	388-531-0900	NEW-P	00-12-080
388-452-0005	PREP	00-16-053	388-502-0100	NEW-P	00-09-043	388-531-0950	NEW-P	00-12-080
388-454	PREP	00-11-182	388-502-0100	NEW	00-15-050	388-531-1000	NEW-P	00-12-080
388-466-0007	NEW-E	00-15-071	388-502-0110	NEW-P	00-09-043	388-531-1050	NEW-P	00-12-080
388-466-0030	NEW-P	00-16-087	388-502-0110	NEW	00-15-050	388-531-1100	NEW-P	00-12-080
388-470	PREP	00-12-078	388-502-0150	NEW-P	00-09-042	388-531-1150	NEW-P	00-12-080
388-470-0005	PREP	00-12-079	388-502-0150	NEW	00-14-067	388-531-1200	NEW-P	00-12-080
388-470-0020	PREP	00-12-079	388-502-0160	NEW-P	00-09-075	388-531-1250	NEW-P	00-12-080
388-470-0040	PREP	00-12-079	388-502-0160	NEW	00-14-069	388-531-1300	NEW-P	00-12-080
388-470-0075	PREP	00-16-054	388-502-0205	PREP	00-06-022	388-531-1350	NEW-P	00-12-080
388-473-0010	NEW-P	00-12-081	388-502-0205	REP-P	00-09-043	388-531-1400	NEW-P	00-12-080
388-473-0010	NEW	00-15-053	388-502-0205	REP	00-15-050	388-531-1450	NEW-P	00-12-080
388-473-0020	NEW-P	00-12-081	388-502-0210	AMD-P	00-10-064	388-531-1500	NEW-P	00-12-080
388-473-0020	NEW	00-15-053	388-502-0210	AMD	00-15-049	388-531-1550	NEW-P	00-12-080
388-473-0030	NEW-P	00-12-081	388-502-0230	PREP	00-09-037	388-531-1600	NEW-P	00-12-080
388-473-0030	NEW	00-15-053	388-505-0110	PREP	00-12-079	388-531-1650	NEW-P	00-12-080
388-473-0040	NEW-P	00-12-081	388-505-0595	PREP	00-12-078	388-531-1700	NEW-P	00-12-080
388-473-0040	NEW	00-15-053	388-506-0620	PREP	00-12-079	388-531-1750	NEW-P	00-12-080
388-473-0050	NEW-P	00-12-081	388-511-1105	PREP	00-12-079	388-531-1800	NEW-P	00-12-080
388-473-0050	NEW	00-15-053	388-511-1130	PREP	00-12-079	388-531-1850	NEW-P	00-12-080
388-473-0060	NEW-P	00-12-081	388-513-1380	AMD-E	00-08-003	388-531-1900	NEW-P	00-12-080
388-473-0060	NEW	00-15-053	388-513-1380	AMD-P	00-13-107	388-532	PREP	00-07-056
388-478	PREP	00-11-182	388-519-0100	PREP	00-12-079	388-532	PREP	00-16-023
388-478-0026	PREP	00-10-030	388-529-2940	REP	00-05-039	388-532-050	NEW-P	00-11-093
388-478-0050	PREP	00-08-053	388-529-2950	REP	00-05-039	388-532-050	NEW	00-14-066
388-478-0050	AMD-P	00-12-082	388-530-1000	PREP	00-07-087	388-532-100	NEW-P	00-11-093
388-478-0050	AMD	00-15-052	388-530-1050	PREP	00-07-087	388-532-100	NEW	00-14-066

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-533-0300	NEW-P	00-09-041	388-543-2000	NEW-P	00-13-008	388-800-0005	NEW	00-16-077
388-533-0300	NEW	00-14-068	388-543-2100	NEW-P	00-13-008	388-800-0020	NEW-P	00-11-107
388-533-0400	NEW-P	00-14-064	388-543-2200	NEW-P	00-13-008	388-800-0020	NEW	00-16-077
388-533-0500	NEW-P	00-14-064	388-543-2300	NEW-P	00-13-008	388-800-0025	NEW-P	00-11-107
388-533-0600	NEW-P	00-14-064	388-543-2400	NEW-P	00-13-008	388-800-0025	NEW	00-16-077
388-534-0100	RECOD	00-11-183	388-543-2500	NEW-P	00-13-008	388-800-0030	NEW-P	00-11-107
388-538-001	REP	00-04-080	388-543-2600	NEW-P	00-13-008	388-800-0030	NEW	00-16-077
388-538-050	AMD	00-04-080	388-543-2700	NEW-P	00-13-008	388-800-0035	NEW-P	00-11-107
388-538-060	AMD	00-04-080	388-543-2800	NEW-P	00-13-008	388-800-0035	NEW	00-16-077
388-538-065	NEW	00-04-080	388-543-2900	NEW-P	00-13-008	388-800-0040	NEW-P	00-11-107
388-538-066	NEW	00-04-080	388-543-3000	NEW-P	00-13-008	388-800-0040	NEW	00-16-077
388-538-070	AMD	00-04-080	388-545-0500	PREP	00-08-020	388-800-0045	NEW-P	00-11-107
388-538-080	AMD	00-04-080	388-545-500	NEW	00-04-019	388-800-0045	NEW	00-16-077
388-538-090	REP	00-04-080	388-545-500	AMD-P	00-12-039	388-800-0048	NEW-P	00-11-107
388-538-095	AMD	00-04-080	388-547	PREP	00-03-010	388-800-0048	NEW	00-16-077
388-538-100	AMD	00-04-080	388-548-0100	PREP	00-11-034	388-800-0050	NEW-P	00-11-107
388-538-110	AMD	00-04-080	388-548-0500	PREP	00-11-034	388-800-0050	NEW	00-16-077
388-538-120	AMD	00-04-080	388-548-0500	NEW-E	00-11-036	388-800-0055	NEW-P	00-11-107
388-538-130	AMD	00-04-080	388-550-4500	AMD-W	00-06-046	388-800-0055	NEW	00-16-077
388-538-140	AMD	00-04-080	388-556-0100	NEW-P	00-14-045	388-800-0057	NEW-P	00-11-107
388-538-150	REP	00-04-080	388-556-0200	NEW-P	00-11-138	388-800-0057	NEW	00-16-077
388-539	PREP	00-05-038	388-556-0200	NEW	00-16-031	388-800-0060	NEW-P	00-11-107
388-539	AMD-P	00-11-062	388-556-0300	NEW-P	00-13-104	388-800-0060	NEW	00-16-077
388-539	AMD	00-14-070	388-556-0400	RECOD	00-11-183	388-800-0065	NEW-P	00-11-107
388-539-001	REP-P	00-11-062	388-557-0100	NEW-W	00-10-078	388-800-0065	NEW	00-16-077
388-539-001	REP	00-14-070	388-700-0005	NEW-P	00-11-139	388-800-0070	NEW-P	00-11-107
388-539-0200	NEW-P	00-11-062	388-700-0010	NEW-P	00-11-139	388-800-0070	NEW	00-16-077
388-539-0200	NEW	00-14-070	388-700-0015	NEW-P	00-11-139	388-800-0075	NEW-P	00-11-107
388-539-050	REP-P	00-11-062	388-700-0020	NEW-P	00-11-139	388-800-0075	NEW	00-16-077
388-539-050	REP	00-14-070	388-700-0025	NEW-P	00-11-139	388-800-0080	NEW-P	00-11-107
388-539-0500	RECOD	00-11-183	388-700-0030	NEW-P	00-11-139	388-800-0080	NEW	00-16-077
388-539-0550	RECOD	00-11-183	388-700-0035	NEW-P	00-11-139	388-800-0085	NEW-P	00-11-107
388-539-100	REP-P	00-11-062	388-700-0040	NEW-P	00-11-139	388-800-0085	NEW	00-16-077
388-539-100	REP	00-14-070	388-700-0045	NEW-P	00-11-139	388-800-0090	NEW-P	00-11-107
388-539-150	REP-P	00-11-062	388-700-0050	NEW-P	00-11-139	388-800-0090	NEW	00-16-077
388-539-150	REP	00-14-070	388-710-0005	NEW-P	00-12-103	388-800-0100	NEW-P	00-11-107
388-542-0050	NEW-P	00-03-061	388-710-0005	NEW	00-16-032	388-800-0100	NEW	00-16-077
388-542-0050	NEW	00-07-103	388-710-0010	NEW-P	00-12-103	388-800-0110	NEW-P	00-11-107
388-542-0100	NEW-P	00-03-061	388-710-0010	NEW	00-16-032	388-800-0110	NEW	00-16-077
388-542-0100	NEW	00-07-103	388-710-0015	NEW-P	00-12-103	388-800-0115	NEW-P	00-11-107
388-542-0125	NEW-P	00-03-061	388-710-0015	NEW	00-16-032	388-800-0115	NEW	00-16-077
388-542-0125	NEW	00-07-103	388-710-0020	NEW-P	00-12-103	388-800-0120	NEW-P	00-11-107
388-542-0150	NEW-P	00-03-061	388-710-0020	NEW	00-16-032	388-800-0120	NEW	00-16-077
388-542-0150	NEW	00-07-103	388-710-0025	NEW-P	00-12-103	388-800-0130	NEW-P	00-11-107
388-542-0200	NEW-P	00-03-061	388-710-0025	NEW	00-16-032	388-800-0130	NEW	00-16-077
388-542-0200	NEW	00-07-103	388-710-0030	NEW-P	00-12-103	388-800-0135	NEW-P	00-11-107
388-542-0250	NEW-P	00-03-061	388-710-0030	NEW	00-16-032	388-800-0135	NEW	00-16-077
388-542-0250	NEW	00-07-103	388-710-0035	NEW-P	00-12-103	388-800-0140	NEW-P	00-11-107
388-542-0275	NEW-P	00-03-061	388-710-0035	NEW	00-16-032	388-800-0140	NEW	00-16-077
388-542-0275	NEW	00-07-103	388-710-0040	NEW-P	00-12-103	388-800-0145	NEW-P	00-11-107
388-542-0300	NEW-P	00-03-061	388-710-0040	NEW	00-16-032	388-800-0145	NEW	00-16-077
388-542-0300	NEW	00-07-103	388-740-0010	RECOD-P	00-13-074	388-800-0150	NEW-P	00-11-107
388-543-1000	NEW-P	00-13-008	388-740-0030	RECOD-P	00-13-074	388-800-0150	NEW	00-16-077
388-543-1100	NEW-P	00-13-008	388-740-0040	RECOD-P	00-13-074	388-800-0155	NEW-P	00-11-107
388-543-1200	NEW-P	00-13-008	388-740-0060	RECOD-P	00-13-074	388-800-0155	NEW	00-16-077
388-543-1300	NEW-P	00-13-008	388-740-0070	RECOD-P	00-13-074	388-800-0160	NEW-P	00-11-107
388-543-1400	NEW-P	00-13-008	388-745-0020	RECOD	00-16-078	388-800-0160	NEW	00-16-077
388-543-1500	NEW-P	00-13-008	388-745-0030	RECOD	00-16-078	388-800-0165	NEW-P	00-11-107
388-543-1600	NEW-P	00-13-008	388-745-0040	RECOD	00-16-078	388-800-0165	NEW	00-16-077
388-543-1700	NEW-P	00-13-008	388-745-0050	RECOD	00-16-078	388-805-001	NEW-P	00-13-073
388-543-1800	NEW-P	00-13-008	388-745-0060	RECOD	00-16-078	388-805-005	NEW-P	00-13-073
388-543-1900	NEW-P	00-13-008	388-800-0005	NEW-P	00-11-107	388-805-010	NEW-P	00-13-073

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-805-015	NEW-P	00-13-073	388-805-820	NEW-P	00-13-073	391-25-660	AMD-P	00-10-107
388-805-020	NEW-P	00-13-073	388-805-830	NEW-P	00-13-073	391-25-660	AMD	00-14-048
388-805-030	NEW-P	00-13-073	388-805-840	NEW-P	00-13-073	391-25-670	AMD-P	00-10-107
388-805-060	NEW-P	00-13-073	388-805-850	NEW-P	00-13-073	391-25-670	AMD	00-14-048
388-805-065	NEW-P	00-13-073	388-805-900	NEW-P	00-13-073	391-35-030	AMD-P	00-10-107
388-805-070	NEW-P	00-13-073	388-805-905	NEW-P	00-13-073	391-35-030	AMD	00-14-048
388-805-075	NEW-P	00-13-073	388-805-910	NEW-P	00-13-073	391-35-170	AMD-P	00-10-107
388-805-080	NEW-P	00-13-073	388-805-915	NEW-P	00-13-073	391-35-170	AMD	00-14-048
388-805-085	NEW-P	00-13-073	388-805-920	NEW-P	00-13-073	391-35-210	AMD-P	00-10-107
388-805-090	NEW-P	00-13-073	388-805-925	NEW-P	00-13-073	391-35-210	AMD	00-14-048
388-805-095	NEW-P	00-13-073	388-805-930	NEW-P	00-13-073	391-35-250	AMD-P	00-10-107
388-805-100	NEW-P	00-13-073	388-805-935	NEW-P	00-13-073	391-35-250	AMD	00-14-048
388-805-105	NEW-P	00-13-073	388-825-226	AMD-P	00-05-107	391-45	PREP	00-04-070
388-805-110	NEW-P	00-13-073	388-825-226	AMD	00-08-090	391-45-001	AMD-P	00-10-107
388-805-115	NEW-P	00-13-073	388-825-228	AMD-P	00-05-107	391-45-001	AMD	00-14-048
388-805-120	NEW-P	00-13-073	388-825-228	AMD	00-08-090	391-45-002	AMD-P	00-10-107
388-805-125	NEW-P	00-13-073	388-825-254	AMD-P	00-05-107	391-45-002	AMD	00-14-048
388-805-130	NEW-P	00-13-073	388-825-254	AMD	00-08-090	391-45-010	AMD-P	00-10-107
388-805-135	NEW-P	00-13-073	388-890-0735	NEW-W	00-02-065	391-45-010	AMD	00-14-048
388-805-140	NEW-P	00-13-073	388-890-0740	NEW-W	00-02-065	391-45-030	AMD-P	00-10-107
388-805-145	NEW-P	00-13-073	388-890-0865	NEW-W	00-02-065	391-45-030	AMD	00-14-048
388-805-150	NEW-P	00-13-073	390-05-400	AMD	00-04-058	391-45-050	AMD-P	00-10-107
388-805-155	NEW-P	00-13-073	390-13-010	PREP	00-16-137	391-45-050	AMD	00-14-048
388-805-200	NEW-P	00-13-073	390-16-011	AMD-E	00-14-030	391-45-070	AMD-E	00-03-053
388-805-205	NEW-P	00-13-073	390-16-011	PREP	00-16-147	391-45-070	AMD-P	00-10-107
388-805-210	NEW-P	00-13-073	390-16-012	AMD-E	00-14-031	391-45-070	AMD-E	00-11-024
388-805-220	NEW-P	00-13-073	390-16-012	PREP	00-16-138	391-45-070	AMD	00-14-048
388-805-225	NEW-P	00-13-073	390-16-044	PREP	00-16-140	391-45-090	AMD-P	00-10-107
388-805-230	NEW-P	00-13-073	390-18-010	PREP	00-16-142	391-45-090	AMD	00-14-048
388-805-240	NEW-P	00-13-073	390-20-0101	PREP	00-16-139	391-45-110	AMD-E	00-03-053
388-805-250	NEW-P	00-13-073	390-24-010	PREP	00-16-145	391-45-110	AMD-P	00-10-107
388-805-260	NEW-P	00-13-073	390-24-020	PREP	00-16-146	391-45-110	AMD-E	00-11-024
388-805-300	NEW-P	00-13-073	391-08	PREP	00-04-070	391-45-110	AMD	00-14-048
388-805-305	NEW-P	00-13-073	391-08-001	AMD-P	00-10-107	391-45-130	AMD-E	00-03-053
388-805-310	NEW-P	00-13-073	391-08-001	AMD	00-14-048	391-45-130	AMD-P	00-10-107
388-805-315	NEW-P	00-13-073	391-08-010	AMD-P	00-10-107	391-45-130	AMD-E	00-11-024
388-805-320	NEW-P	00-13-073	391-08-010	AMD	00-14-048	391-45-130	AMD	00-14-048
388-805-325	NEW-P	00-13-073	391-08-120	AMD-P	00-10-107	391-45-170	AMD-P	00-10-107
388-805-330	NEW-P	00-13-073	391-08-120	AMD	00-14-048	391-45-170	AMD	00-14-048
388-805-350	NEW-P	00-13-073	391-08-180	AMD-P	00-10-107	391-45-190	AMD-P	00-10-107
388-805-400	NEW-P	00-13-073	391-08-180	AMD	00-14-048	391-45-190	AMD	00-14-048
388-805-410	NEW-P	00-13-073	391-08-230	REP-P	00-10-107	391-45-210	AMD-P	00-10-107
388-805-500	NEW-P	00-13-073	391-08-230	REP	00-14-048	391-45-210	AMD	00-14-048
388-805-510	NEW-P	00-13-073	391-08-310	AMD-P	00-10-107	391-45-230	REP-P	00-10-107
388-805-520	NEW-P	00-13-073	391-08-310	AMD	00-14-048	391-45-230	REP	00-14-048
388-805-530	NEW-P	00-13-073	391-08-670	PREP	00-15-067	391-45-250	AMD-P	00-10-107
388-805-540	NEW-P	00-13-073	391-25-050	AMD-P	00-10-107	391-45-250	AMD	00-14-048
388-805-550	NEW-P	00-13-073	391-25-050	AMD	00-14-048	391-45-260	AMD-P	00-10-107
388-805-600	NEW-P	00-13-073	391-25-090	AMD-P	00-10-107	391-45-260	AMD	00-14-048
388-805-610	NEW-P	00-13-073	391-25-090	AMD	00-14-048	391-45-270	AMD-P	00-10-107
388-805-620	NEW-P	00-13-073	391-25-230	AMD-P	00-10-107	391-45-270	AMD	00-14-048
388-805-630	NEW-P	00-13-073	391-25-230	AMD	00-14-048	391-45-290	AMD-P	00-10-107
388-805-640	NEW-P	00-13-073	391-25-250	AMD-P	00-10-107	391-45-290	AMD	00-14-048
388-805-700	NEW-P	00-13-073	391-25-250	AMD	00-14-048	391-45-310	AMD-P	00-10-107
388-805-710	NEW-P	00-13-073	391-25-270	AMD-P	00-10-107	391-45-310	AMD	00-14-048
388-805-720	NEW-P	00-13-073	391-25-270	AMD	00-14-048	391-45-330	AMD-P	00-10-107
388-805-730	NEW-P	00-13-073	391-25-350	AMD-P	00-10-107	391-45-330	AMD	00-14-048
388-805-740	NEW-P	00-13-073	391-25-350	AMD	00-14-048	391-45-350	AMD-P	00-10-107
388-805-750	NEW-P	00-13-073	391-25-590	AMD-P	00-10-107	391-45-350	AMD	00-14-048
388-805-800	NEW-P	00-13-073	391-25-590	AMD	00-14-048	391-45-390	AMD-P	00-10-107
388-805-810	NEW-P	00-13-073	391-25-650	AMD-P	00-10-107	391-45-390	AMD	00-14-048
388-805-815	NEW-P	00-13-073	391-25-650	AMD	00-14-048	391-45-410	AMD-P	00-10-107

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
391-45-410	AMD	00-14-048	392-127-101	REP	00-02-064	392-140-721	REP	00-02-063
391-45-430	AMD-P	00-10-107	392-127-106	REP	00-02-064	392-140-722	REP	00-02-063
391-45-430	AMD	00-14-048	392-127-111	AMD	00-02-064	392-140-723	REP	00-02-063
391-45-550	AMD-P	00-10-107	392-127-112	NEW	00-02-064	392-140-724	REP	00-02-063
391-45-550	AMD	00-14-048	392-127-810	REP	00-02-064	392-140-725	REP	00-02-063
391-45-552	AMD-P	00-10-107	392-138	PREP	00-16-001	392-140-726	REP	00-02-063
391-45-552	AMD	00-14-048	392-139-001	AMD-P	00-05-061	392-140-727	REP	00-02-063
391-55-030	AMD-P	00-10-107	392-139-001	AMD	00-09-017	392-140-728	REP	00-02-063
391-55-030	AMD	00-14-048	392-139-005	AMD-P	00-05-061	392-140-730	REP	00-02-063
391-55-350	AMD-P	00-10-107	392-139-005	AMD	00-09-017	392-140-731	REP	00-02-063
391-55-350	AMD	00-14-048	392-139-007	AMD-P	00-05-061	392-140-732	REP	00-02-063
391-65-070	AMD-P	00-10-107	392-139-007	AMD	00-09-017	392-140-733	REP	00-02-063
391-65-070	AMD	00-14-048	392-139-008	NEW-P	00-05-061	392-140-735	REP	00-02-063
391-95	PREP	00-04-070	392-139-008	NEW	00-09-017	392-140-736	REP	00-02-063
391-95-001	AMD-P	00-10-107	392-139-310	AMD-P	00-05-061	392-140-740	REP	00-02-063
391-95-001	AMD	00-14-048	392-139-310	AMD	00-09-017	392-140-741	REP	00-02-063
391-95-010	AMD-P	00-10-107	392-139-320	AMD-P	00-05-061	392-140-742	REP	00-02-063
391-95-010	AMD	00-14-048	392-139-320	AMD	00-09-017	392-140-743	REP	00-02-063
391-95-030	AMD-P	00-10-107	392-139-605	REP-P	00-05-061	392-140-744	REP	00-02-063
391-95-030	AMD	00-14-048	392-139-605	REP	00-09-017	392-140-745	REP	00-02-063
391-95-050	AMD-P	00-10-107	392-139-610	AMD-P	00-05-061	392-140-746	REP	00-02-063
391-95-050	AMD	00-14-048	392-139-610	AMD	00-09-017	392-140-747	REP	00-02-063
391-95-070	AMD-P	00-10-107	392-139-615	AMD-P	00-05-061	392-140-900	NEW	00-02-063
391-95-070	AMD	00-14-048	392-139-615	AMD	00-09-017	392-140-901	NEW	00-02-063
391-95-090	AMD-P	00-10-107	392-139-620	AMD-P	00-05-061	392-140-902	NEW	00-02-063
391-95-090	AMD	00-14-048	392-139-620	AMD	00-09-017	392-140-903	NEW	00-02-063
391-95-110	AMD-P	00-10-107	392-139-622	REP-P	00-05-061	392-140-905	NEW	00-02-063
391-95-110	AMD	00-14-048	392-139-622	REP	00-09-017	392-140-906	NEW	00-02-063
391-95-130	AMD-P	00-10-107	392-139-623	REP-P	00-05-061	392-140-907	NEW	00-02-063
391-95-130	AMD	00-14-048	392-139-623	REP	00-09-017	392-140-908	NEW	00-02-063
391-95-150	AMD-P	00-10-107	392-139-625	AMD-P	00-05-061	392-140-910	NEW	00-02-063
391-95-150	AMD	00-14-048	392-139-625	AMD	00-09-017	392-140-911	NEW	00-02-063
391-95-170	AMD-P	00-10-107	392-139-660	AMD-P	00-05-061	392-140-912	NEW	00-02-063
391-95-170	AMD	00-14-048	392-139-660	AMD	00-09-017	392-140-913	NEW	00-02-063
391-95-190	AMD-P	00-10-107	392-139-661	REP-P	00-05-061	392-140-920	NEW-E	00-13-007
391-95-190	AMD	00-14-048	392-139-661	REP	00-09-017	392-140-922	NEW-E	00-13-007
391-95-230	AMD-P	00-10-107	392-139-670	AMD-P	00-05-061	392-140-924	NEW-E	00-13-007
391-95-230	AMD	00-14-048	392-139-670	AMD	00-09-017	392-140-925	NEW-E	00-13-007
391-95-250	AMD-P	00-10-107	392-139-676	AMD-P	00-05-061	392-140-926	NEW-E	00-13-007
391-95-250	AMD	00-14-048	392-139-676	AMD	00-09-017	392-140-927	NEW-E	00-13-007
391-95-260	AMD-P	00-10-107	392-140-600	AMD	00-03-015	392-140-928	NEW-E	00-13-007
391-95-260	AMD	00-14-048	392-140-601	AMD	00-03-015	392-140-929	NEW-E	00-13-007
391-95-270	AMD-P	00-10-107	392-140-605	AMD	00-03-015	392-140-930	NEW-E	00-13-007
391-95-270	AMD	00-14-048	392-140-613	AMD	00-03-015	392-140-935	NEW-E	00-13-007
391-95-290	AMD-P	00-10-107	392-140-625	AMD	00-03-015	392-140-937	NEW-E	00-13-007
391-95-290	AMD	00-14-048	392-140-626	NEW	00-03-015	392-140-938	NEW-E	00-13-007
391-95-310	AMD-P	00-10-107	392-140-630	AMD	00-03-015	392-172-107	NEW-W	00-06-045
391-95-310	AMD	00-14-048	392-140-660	AMD	00-03-015	392-172-109	NEW-W	00-06-045
392-117-045	AMD-P	00-09-072	392-140-665	REP	00-03-015	392-172-161	NEW-W	00-06-045
392-117-045	AMD	00-12-037	392-140-675	AMD	00-03-015	392-300-070	NEW-E	00-05-099
392-127-011	AMD	00-02-064	392-140-680	AMD	00-03-015	392-300-070	PREP	00-09-023
392-127-015	AMD	00-02-064	392-140-700	REP	00-02-063	399-30-030	PREP	00-04-096
392-127-030	REP	00-02-064	392-140-701	REP	00-02-063	399-30-030	AMD-E	00-04-097
392-127-035	REP	00-02-064	392-140-702	REP	00-02-063	399-30-030	AMD-P	00-08-010
392-127-040	REP	00-02-064	392-140-710	REP	00-02-063	399-50-010	NEW-C	00-04-100
392-127-050	REP	00-02-064	392-140-711	REP	00-02-063	399-50-010	NEW	00-11-021
392-127-055	REP	00-02-064	392-140-712	REP	00-02-063	399-50-020	NEW-C	00-04-100
392-127-060	REP	00-02-064	392-140-713	REP	00-02-063	399-50-020	NEW	00-11-021
392-127-065	AMD	00-02-064	392-140-714	REP	00-02-063	399-50-020	NEW	00-11-021
392-127-070	AMD	00-02-064	392-140-715	REP	00-02-063	399-50-030	NEW-C	00-04-100
392-127-085	AMD	00-02-064	392-140-716	REP	00-02-063	399-50-030	NEW	00-11-021
392-127-095	REP	00-02-064	392-140-720	REP	00-02-063	399-50-040	NEW-C	00-04-100
						399-50-040	NEW	00-11-021

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
415-02-010	AMD-P	00-04-025	415-112-473	AMD-P	00-04-024	415-501-370	RECOD	00-11-104
415-02-010	AMD	00-10-016	415-112-473	AMD	00-10-015	415-501-380	RECOD-P	00-08-092
415-02-020	AMD-P	00-04-025	415-112-475	AMD-P	00-04-024	415-501-380	RECOD	00-11-104
415-02-020	AMD	00-10-016	415-112-475	AMD	00-10-015	415-501-390	RECOD-P	00-08-092
415-02-030	AMD-P	00-04-025	415-112-477	AMD-P	00-04-024	415-501-390	RECOD	00-11-104
415-02-030	AMD	00-10-016	415-112-477	AMD	00-10-015	415-501-410	RECOD-P	00-08-092
415-02-040	REP-P	00-04-025	415-112-510	REP-P	00-04-024	415-501-410	RECOD	00-11-104
415-02-040	REP	00-10-016	415-112-510	REP	00-10-015	415-501-415	RECOD-P	00-08-092
415-02-050	AMD-P	00-04-025	415-112-540	AMD	00-11-053	415-501-415	RECOD	00-11-104
415-02-050	AMD	00-10-016	415-112-545	AMD	00-11-053	415-501-420	RECOD-P	00-08-092
415-02-060	AMD-P	00-04-025	415-112-548	NEW-W	00-12-027	415-501-420	RECOD	00-11-104
415-02-060	AMD	00-10-016	415-112-705	NEW-P	00-04-024	415-501-430	RECOD-P	00-08-092
415-02-070	REP-P	00-04-025	415-112-705	NEW	00-10-015	415-501-430	RECOD	00-11-104
415-02-070	REP	00-10-016	415-112-920	NEW-P	00-04-024	415-501-440	RECOD-P	00-08-092
415-02-080	AMD-P	00-04-025	415-112-920	NEW	00-10-015	415-501-440	RECOD	00-11-104
415-02-080	AMD	00-10-016	415-112-950	NEW-P	00-04-024	415-501-450	RECOD-P	00-08-092
415-02-100	AMD-P	00-04-025	415-112-950	NEW	00-10-015	415-501-450	RECOD	00-11-104
415-02-100	AMD	00-10-016	415-501-010	AMD-P	00-08-092	415-501-470	RECOD-P	00-08-092
415-02-120	NEW-P	00-04-025	415-501-010	AMD	00-11-104	415-501-470	RECOD	00-11-104
415-02-120	NEW	00-10-016	415-501-020	AMD-P	00-08-092	415-501-475	RECOD-P	00-08-092
415-02-130	NEW-P	00-04-025	415-501-020	AMD	00-11-104	415-501-475	RECOD	00-11-104
415-02-130	NEW	00-10-016	415-501-110	RECOD-P	00-08-092	415-501-480	RECOD-P	00-08-092
415-04	PREP	00-04-061	415-501-110	RECOD	00-11-104	415-501-480	RECOD	00-11-104
415-08	PREP	00-04-061	415-501-120	RECOD-P	00-08-092	415-501-485	RECOD-P	00-08-092
415-10	PREP	00-04-062	415-501-120	RECOD	00-11-104	415-501-485	RECOD	00-11-104
415-10-010	AMD-P	00-16-155	415-501-130	RECOD-P	00-08-092	415-501-486	RECOD-P	00-08-092
415-10-020	AMD-P	00-16-155	415-501-130	RECOD	00-11-104	415-501-486	RECOD	00-11-104
415-10-030	AMD-P	00-16-155	415-501-140	RECOD-P	00-08-092	415-501-487	RECOD-P	00-08-092
415-10-040	AMD-P	00-16-155	415-501-140	RECOD	00-11-104	415-501-487	RECOD	00-11-104
415-10-050	AMD-P	00-16-155	415-501-150	RECOD-P	00-08-092	415-501-490	RECOD-P	00-08-092
415-10-080	AMD-P	00-16-155	415-501-150	RECOD	00-11-104	415-501-490	RECOD	00-11-104
415-10-100	AMD-P	00-16-155	415-501-160	RECOD-P	00-08-092	415-501-495	RECOD-P	00-08-092
415-10-110	NEW-P	00-16-155	415-501-160	RECOD	00-11-104	415-501-495	RECOD	00-11-104
415-103-215	NEW-P	00-08-085	415-501-170	RECOD-P	00-08-092	415-501-500	RECOD-P	00-08-092
415-103-215	NEW	00-11-103	415-501-170	RECOD	00-11-104	415-501-500	RECOD	00-11-104
415-104-450	NEW-P	00-04-023	415-501-180	RECOD-P	00-08-092	415-501-510	RECOD-P	00-08-092
415-104-450	NEW	00-10-017	415-501-180	RECOD	00-11-104	415-501-510	RECOD	00-11-104
415-108-315	NEW-P	00-04-024	415-501-190	RECOD-P	00-08-092	415-501-520	RECOD-P	00-08-092
415-108-315	NEW	00-10-015	415-501-190	RECOD	00-11-104	415-501-520	RECOD	00-11-104
415-108-710	AMD-W	00-12-027	415-501-200	RECOD-P	00-08-092	415-501-530	RECOD-P	00-08-092
415-108-720	AMD-W	00-12-027	415-501-200	RECOD	00-11-104	415-501-530	RECOD	00-11-104
415-112-025	NEW-W	00-12-027	415-501-210	RECOD-P	00-08-092	415-501-540	RECOD-P	00-08-092
415-112-125	AMD-P	00-04-024	415-501-210	RECOD	00-11-104	415-501-540	RECOD	00-11-104
415-112-125	AMD	00-10-015	415-501-300	RECOD-P	00-08-092	415-501-550	RECOD-P	00-08-092
415-112-140	AMD-P	00-04-024	415-501-300	RECOD	00-11-104	415-501-550	RECOD	00-11-104
415-112-140	AMD	00-10-015	415-501-305	RECOD-P	00-08-092	415-501-560	RECOD-P	00-08-092
415-112-145	AMD-P	00-04-024	415-501-305	RECOD	00-11-104	415-501-560	RECOD	00-11-104
415-112-145	AMD	00-10-015	415-501-310	RECOD-P	00-08-092	415-501-570	RECOD-P	00-08-092
415-112-155	AMD-P	00-04-024	415-501-310	RECOD	00-11-104	415-501-570	RECOD	00-11-104
415-112-155	AMD	00-10-015	415-501-315	NEW-P	00-08-092	415-501-580	RECOD-P	00-08-092
415-112-330	AMD-P	00-04-024	415-501-315	NEW	00-11-104	415-501-580	RECOD	00-11-104
415-112-330	AMD	00-10-015	415-501-320	RECOD-P	00-08-092	415-501-590	RECOD-P	00-08-092
415-112-415	AMD-XA	00-08-030	415-501-320	RECOD	00-11-104	415-501-590	RECOD	00-11-104
415-112-415	AMD	00-13-001	415-501-330	RECOD-P	00-08-092	415-501-600	RECOD-P	00-08-092
415-112-460	AMD-P	00-04-024	415-501-330	RECOD	00-11-104	415-501-600	RECOD	00-11-104
415-112-460	AMD	00-10-015	415-501-340	RECOD-P	00-08-092	415-501-610	RECOD-P	00-08-092
415-112-4605	AMD-P	00-04-024	415-501-340	RECOD	00-11-104	415-501-610	RECOD	00-11-104
415-112-4605	AMD	00-10-015	415-501-350	RECOD-P	00-08-092	415-501-710	RECOD-P	00-08-092
415-112-4608	AMD-P	00-04-024	415-501-350	RECOD	00-11-104	415-501-710	RECOD	00-11-104
415-112-4608	AMD	00-10-015	415-501-360	RECOD-P	00-08-092	415-501-720	RECOD-P	00-08-092
415-112-471	AMD-P	00-04-024	415-501-360	RECOD	00-11-104	415-501-720	RECOD	00-11-104
415-112-471	AMD	00-10-015	415-501-370	RECOD-P	00-08-092	415-504-010	AMD-P	00-08-092

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
415-504-010	DECOD-P	00-08-092	415-512-040	DECOD	00-11-104	415-540-010	DECOD	00-11-104
415-504-010	AMD	00-11-104	415-512-050	AMD-P	00-08-092	415-544-010	AMD-P	00-08-092
415-504-010	DECOD	00-11-104	415-512-050	DECOD-P	00-08-092	415-544-010	DECOD-P	00-08-092
415-504-020	DECOD-P	00-08-092	415-512-050	AMD	00-11-104	415-544-010	AMD	00-11-104
415-504-020	DECOD	00-11-104	415-512-050	DECOD	00-11-104	415-544-010	DECOD	00-11-104
415-504-030	DECOD-P	00-08-092	415-512-070	AMD-P	00-08-092	415-548-010	DECOD-P	00-08-092
415-504-030	DECOD	00-11-104	415-512-070	DECOD-P	00-08-092	415-548-010	DECOD	00-11-104
415-504-040	DECOD-P	00-08-092	415-512-070	AMD	00-11-104	415-552-010	AMD-P	00-08-092
415-504-040	DECOD	00-11-104	415-512-070	DECOD	00-11-104	415-552-010	DECOD-P	00-08-092
415-504-050	DECOD-P	00-08-092	415-512-075	AMD-P	00-08-092	415-552-010	AMD	00-11-104
415-504-050	DECOD	00-11-104	415-512-075	DECOD-P	00-08-092	415-552-010	DECOD	00-11-104
415-504-060	DECOD-P	00-08-092	415-512-075	AMD	00-11-104	415-556-010	AMD-P	00-08-092
415-504-060	DECOD	00-11-104	415-512-075	DECOD	00-11-104	415-556-010	DECOD-P	00-08-092
415-504-070	DECOD-P	00-08-092	415-512-080	AMD-P	00-08-092	415-556-010	AMD	00-11-104
415-504-070	DECOD	00-11-104	415-512-080	DECOD-P	00-08-092	415-556-010	DECOD	00-11-104
415-504-080	DECOD-P	00-08-092	415-512-080	AMD	00-11-104	415-560-010	DECOD-P	00-08-092
415-504-080	DECOD	00-11-104	415-512-080	DECOD	00-11-104	415-560-010	DECOD	00-11-104
415-504-090	AMD-P	00-08-092	415-512-085	AMD-P	00-08-092	415-564-010	AMD-P	00-08-092
415-504-090	DECOD-P	00-08-092	415-512-085	DECOD-P	00-08-092	415-564-010	DECOD-P	00-08-092
415-504-090	AMD	00-11-104	415-512-085	AMD	00-11-104	415-564-010	AMD	00-11-104
415-504-090	DECOD	00-11-104	415-512-085	DECOD	00-11-104	415-564-010	DECOD	00-11-104
415-504-100	AMD-P	00-08-092	415-512-086	AMD-P	00-08-092	415-564-020	AMD-P	00-08-092
415-504-100	DECOD-P	00-08-092	415-512-086	DECOD-P	00-08-092	415-564-020	DECOD-P	00-08-092
415-504-100	AMD	00-11-104	415-512-086	AMD	00-11-104	415-564-020	AMD	00-11-104
415-504-100	DECOD	00-11-104	415-512-086	DECOD	00-11-104	415-564-020	DECOD	00-11-104
415-504-110	AMD-P	00-08-092	415-512-087	AMD-P	00-08-092	415-564-030	DECOD-P	00-08-092
415-504-110	DECOD-P	00-08-092	415-512-087	DECOD-P	00-08-092	415-564-030	DECOD	00-11-104
415-504-110	AMD	00-11-104	415-512-087	AMD	00-11-104	415-564-040	AMD-P	00-08-092
415-504-110	DECOD	00-11-104	415-512-087	DECOD	00-11-104	415-564-040	DECOD-P	00-08-092
415-508-010	AMD-P	00-08-092	415-512-090	AMD-P	00-08-092	415-564-040	AMD	00-11-104
415-508-010	DECOD-P	00-08-092	415-512-090	DECOD-P	00-08-092	415-564-040	DECOD	00-11-104
415-508-010	AMD	00-11-104	415-512-090	AMD	00-11-104	415-564-050	AMD-P	00-08-092
415-508-010	DECOD	00-11-104	415-512-090	DECOD	00-11-104	415-564-050	DECOD-P	00-08-092
415-508-020	DECOD-P	00-08-092	415-512-095	AMD-P	00-08-092	415-564-050	AMD	00-11-104
415-508-020	DECOD	00-11-104	415-512-095	DECOD-P	00-08-092	415-564-050	DECOD	00-11-104
415-508-030	DECOD-P	00-08-092	415-512-095	AMD	00-11-104	415-564-060	DECOD-P	00-08-092
415-508-030	DECOD	00-11-104	415-512-095	DECOD	00-11-104	415-564-060	DECOD	00-11-104
415-508-040	DECOD-P	00-08-092	415-512-110	AMD-P	00-08-092	415-568-010	DECOD-P	00-08-092
415-508-040	DECOD	00-11-104	415-512-110	DECOD-P	00-08-092	415-568-010	DECOD	00-11-104
415-508-050	AMD-P	00-08-092	415-512-110	AMD	00-11-104	415-568-020	DECOD-P	00-08-092
415-508-050	DECOD-P	00-08-092	415-512-110	DECOD	00-11-104	415-568-020	DECOD	00-11-104
415-508-050	AMD	00-11-104	415-524-010	AMD-P	00-08-092	419- 14-020	AMD-XA	00-13-100
415-508-050	DECOD	00-11-104	415-524-010	DECOD-P	00-08-092	419- 14-020	DECOD-X	00-13-100
415-512-010	AMD-P	00-08-092	415-524-010	AMD	00-11-104	419- 14-030	AMD-XA	00-13-100
415-512-010	DECOD-P	00-08-092	415-524-010	DECOD	00-11-104	419- 14-030	DECOD-X	00-13-100
415-512-010	AMD	00-11-104	415-528-010	DECOD-P	00-08-092	419- 14-040	DECOD-X	00-13-100
415-512-010	DECOD	00-11-104	415-528-010	DECOD	00-11-104	419- 14-050	DECOD-X	00-13-100
415-512-015	AMD-P	00-08-092	415-532-010	AMD-P	00-08-092	419- 14-060	DECOD-X	00-13-100
415-512-015	DECOD-P	00-08-092	415-532-010	DECOD-P	00-08-092	419- 14-070	AMD-XA	00-13-100
415-512-015	AMD	00-11-104	415-532-010	AMD	00-11-104	419- 14-070	DECOD-X	00-13-100
415-512-015	DECOD	00-11-104	415-532-010	DECOD	00-11-104	419- 14-075	DECOD-X	00-13-100
415-512-020	AMD-P	00-08-092	415-532-020	AMD-P	00-08-092	419- 14-080	DECOD-X	00-13-100
415-512-020	DECOD-P	00-08-092	415-532-020	DECOD-P	00-08-092	419- 14-085	AMD-XA	00-13-100
415-512-020	AMD	00-11-104	415-532-020	AMD	00-11-104	419- 14-085	DECOD-X	00-13-100
415-512-020	DECOD	00-11-104	415-532-020	DECOD	00-11-104	419- 14-090	DECOD-X	00-13-100
415-512-030	AMD-P	00-08-092	415-536-010	AMD-P	00-08-092	419- 14-100	AMD-XA	00-13-100
415-512-030	DECOD-P	00-08-092	415-536-010	DECOD-P	00-08-092	419- 14-100	DECOD-X	00-13-100
415-512-030	AMD	00-11-104	415-536-010	AMD	00-11-104	419- 14-110	DECOD-X	00-13-100
415-512-030	DECOD	00-11-104	415-536-010	DECOD	00-11-104	419- 14-120	AMD-XA	00-13-100
415-512-040	AMD-P	00-08-092	415-540-010	AMD-P	00-08-092	419- 14-120	DECOD-X	00-13-100
415-512-040	DECOD-P	00-08-092	415-540-010	DECOD-P	00-08-092	419- 14-135	DECOD-X	00-13-100
415-512-040	AMD	00-11-104	415-540-010	AMD	00-11-104	419- 14-140	DECOD-X	00-13-100

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419-52-010	DECOD-X	00-13-100	434-230-170	AMD	00-11-042	434-663-300	AMD-S	00-13-108
419-52-020	AMD-XA	00-13-100	434-230-210	AMD-S	00-07-052	434-663-305	NEW-P	00-04-083
419-52-020	DECOD-X	00-13-100	434-230-210	AMD	00-11-042	434-663-305	NEW-S	00-13-108
419-52-030	AMD-XA	00-13-100	434-230-220	NEW-S	00-07-052	434-663-310	AMD-P	00-04-083
419-52-030	DECOD-X	00-13-100	434-230-220	NEW	00-11-042	434-663-310	REP-S	00-13-108
419-56-010	AMD-XA	00-13-100	434-240-202	NEW-E	00-03-036	434-663-315	NEW-S	00-13-108
419-56-010	DECOD-X	00-13-100	434-257	AMD-E	00-04-010	434-663-320	AMD-P	00-04-083
419-56-020	AMD-XA	00-13-100	434-257-010	AMD-E	00-04-010	434-663-320	REP-S	00-13-108
419-56-020	DECOD-X	00-13-100	434-257-020	AMD-E	00-04-010	434-663-325	NEW-S	00-13-108
419-56-030	AMD-XA	00-13-100	434-257-030	AMD-E	00-04-010	434-663-400	AMD-P	00-04-083
419-56-030	DECOD-X	00-13-100	434-257-050	REP-E	00-04-010	434-663-400	DECOD-P	00-04-083
419-56-040	AMD-XA	00-13-100	434-257-070	AMD-E	00-04-010	434-663-400	AMD-S	00-13-108
419-56-040	DECOD-X	00-13-100	434-257-080	REP-E	00-04-010	434-663-400	DECOD-S	00-13-108
419-56-050	AMD-XA	00-13-100	434-257-090	AMD-E	00-04-010	434-663-405	NEW-P	00-04-083
419-56-050	DECOD-X	00-13-100	434-257-100	AMD-E	00-04-010	434-663-410	AMD-P	00-04-083
419-56-060	AMD-XA	00-13-100	434-257-120	REP-E	00-04-010	434-663-410	DECOD-P	00-04-083
419-56-060	DECOD-X	00-13-100	434-257-130	AMD-E	00-04-010	434-663-410	AMD-S	00-13-108
419-56-070	AMD-XA	00-13-100	434-257-150	AMD-E	00-04-010	434-663-410	DECOD-S	00-13-108
419-56-070	DECOD-X	00-13-100	434-262-080	AMD-P	00-05-095	434-663-420	AMD-P	00-04-083
419-56-080	DECOD-X	00-13-100	434-262-080	AMD	00-10-010	434-663-420	DECOD-P	00-04-083
419-56-090	AMD-XA	00-13-100	434-262-110	AMD-P	00-05-095	434-663-420	AMD-S	00-13-108
419-56-090	DECOD-X	00-13-100	434-262-110	AMD	00-10-010	434-663-420	DECOD-S	00-13-108
419-60-010	AMD-XA	00-13-100	434-262-120	AMD-P	00-05-095	434-663-430	AMD-P	00-04-083
419-60-010	DECOD-X	00-13-100	434-262-120	AMD	00-10-010	434-663-430	DECOD-P	00-04-083
419-60-020	AMD-XA	00-13-100	434-334-090	AMD-P	00-05-094	434-663-430	REP-S	00-13-108
419-60-020	DECOD-X	00-13-100	434-334-090	AMD	00-10-009	434-663-440	AMD-P	00-04-083
419-60-030	AMD-XA	00-13-100	434-334-110	AMD-P	00-05-094	434-663-440	DECOD-P	00-04-083
419-60-030	DECOD-X	00-13-100	434-334-110	AMD	00-10-009	434-663-440	REP-S	00-13-108
434-55-015	AMD-XA	00-16-118	434-334-127	NEW-P	00-05-094	434-663-450	DECOD-P	00-04-083
434-110-020	AMD-XA	00-16-119	434-334-127	NEW	00-10-009	434-663-450	DECOD-S	00-13-108
434-110-030	AMD-XA	00-16-119	434-334-140	AMD-P	00-05-094	434-663-460	REP-P	00-04-083
434-110-040	AMD-XA	00-16-119	434-334-140	AMD	00-10-009	434-663-460	REP-S	00-13-108
434-110-050	AMD-XA	00-16-119	434-334-160	AMD-P	00-05-094	434-663-470	REP-P	00-04-083
434-120-015	AMD-XA	00-16-116	434-334-160	AMD	00-10-009	434-663-470	REP-S	00-13-108
434-130-020	AMD-XA	00-16-117	434-334-165	AMD-P	00-05-094	434-663-480	REP-P	00-04-083
434-135-020	AMD-XA	00-16-120	434-334-165	AMD	00-10-009	434-663-480	REP-S	00-13-108
434-166-030	AMD-XA	00-16-121	434-381	PREP	00-09-027	434-663-490	AMD-P	00-04-083
434-180-110	AMD-XA	00-16-122	434-381-010	REP-E	00-09-028	434-663-490	DECOD-P	00-04-083
434-219-020	AMD	00-03-003	434-381-020	REP-E	00-09-028	434-663-490	REP-S	00-13-108
434-219-120	AMD	00-03-003	434-381-030	REP-E	00-09-028	434-663-510	REP-P	00-04-083
434-219-160	AMD	00-03-003	434-381-040	REP-E	00-09-028	434-663-510	REP-S	00-13-108
434-219-160	AMD-E	00-03-036	434-381-050	REP-E	00-09-028	434-663-520	REP-P	00-04-083
434-219-165	NEW	00-03-003	434-381-060	REP-E	00-09-028	434-663-520	REP-S	00-13-108
434-219-170	NEW	00-03-003	434-381-070	REP-E	00-09-028	434-663-530	AMD-P	00-04-083
434-219-180	AMD	00-03-003	434-381-080	REP-E	00-09-028	434-663-530	AMD-S	00-13-108
434-219-185	NEW	00-03-003	434-381-090	REP-E	00-09-028	434-663-600	AMD-P	00-04-083
434-219-210	AMD	00-03-003	434-381-100	REP-E	00-09-028	434-663-600	AMD-S	00-13-108
434-219-220	AMD	00-03-003	434-381-110	NEW-E	00-09-028	434-663-610	AMD-P	00-04-083
434-219-230	AMD	00-03-003	434-381-120	NEW-E	00-09-028	434-663-610	REP-S	00-13-108
434-219-240	AMD	00-03-003	434-381-130	NEW-E	00-09-028	434-663-615	NEW-S	00-13-108
434-219-250	AMD	00-03-003	434-381-140	NEW-E	00-09-028	434-663-620	AMD-P	00-04-083
434-219-255	NEW	00-03-003	434-381-150	NEW-E	00-09-028	434-663-620	REP-S	00-13-108
434-219-260	AMD	00-03-003	434-381-160	NEW-E	00-09-028	434-663-640	NEW-P	00-04-083
434-219-270	AMD	00-03-003	434-381-170	NEW-E	00-09-028	434-663-640	NEW-S	00-13-108
434-219-280	AMD	00-03-003	434-381-180	NEW-E	00-09-028	434-663-700	RECOD-P	00-04-083
434-219-280	AMD-E	00-05-093	434-663-100	AMD-P	00-04-083	434-663-700	RECOD-S	00-13-108
434-219-285	NEW	00-03-003	434-663-100	AMD-S	00-13-108	434-663-705	NEW-S	00-13-108
434-219-290	AMD	00-03-003	434-663-100	RECOD-S	00-13-108	434-663-710	RECOD-P	00-04-083
434-219-300	NEW	00-03-003	434-663-270	NEW-P	00-04-083	434-663-710	RECOD-S	00-13-108
434-219-310	AMD	00-03-003	434-663-270	NEW-S	00-13-108	434-663-720	RECOD-P	00-04-083
434-219-320	AMD	00-03-003	434-663-280	NEW-P	00-04-083	434-663-720	RECOD-S	00-13-108

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434-663-730	NEW-S	00-13-108	440- 22-325	REP-P	00-13-073	458- 20-136	AMD-P	00-04-029
434-663-740	RECOD-P	00-04-083	440- 22-330	REP-P	00-13-073	458- 20-136	AMD	00-11-096
434-663-740	NEW-S	00-13-108	440- 22-335	REP-P	00-13-073	458- 20-13601	NEW-E	00-04-026
434-663-750	RECOD-P	00-04-083	440- 22-350	REP-P	00-13-073	458- 20-13601	NEW-P	00-04-029
434-663-750	RECOD-S	00-13-108	440- 22-355	REP-P	00-13-073	458- 20-13601	NEW	00-11-096
434-663-760	RECOD-P	00-04-083	440- 22-400	REP-P	00-13-073	458- 20-18801	PREP	00-08-072
434-663-760	NEW-S	00-13-108	440- 22-405	REP-P	00-13-073	458- 20-190	PREP	00-13-040
434-663-770	NEW-P	00-04-083	440- 22-406	REP-P	00-13-073	458- 20-191	PREP	00-13-040
434-663-770	NEW-S	00-13-108	440- 22-410	REP-P	00-13-073	458- 20-192	AMD-P	00-16-014
434-663-780	NEW-P	00-04-083	440- 22-420	REP-P	00-13-073	458- 20-195	PREP	00-08-110
434-663-780	NEW-S	00-13-108	440- 22-430	REP-P	00-13-073	458- 20-195	AMD-P	00-12-075
437- 20-010	NEW-C	00-07-124	440- 22-450	REP-P	00-13-073	458- 20-195	AMD	00-16-015
437- 20-010	NEW-W	00-11-050	440- 22-455	REP-P	00-13-073	458- 20-217	PREP	00-05-073
437- 20-010	NEW-C	00-11-051	440- 22-460	REP-P	00-13-073	458- 20-217	AMD-P	00-12-038
437- 20-010	NEW	00-11-052	440- 22-465	REP-P	00-13-073	458- 20-217	AMD	00-16-016
440- 22-001	REP-P	00-13-073	440- 22-500	REP-P	00-13-073	458- 20-228	AMD	00-04-028
440- 22-005	REP-P	00-13-073	440- 22-505	REP-P	00-13-073	458- 20-238	PREP	00-10-115
440- 22-010	REP-P	00-13-073	440- 22-510	REP-P	00-13-073	458- 20-239	AMD-XA	00-05-015
440- 22-015	REP-P	00-13-073	440- 22-515	REP-P	00-13-073	458- 20-239	AMD	00-09-092
440- 22-020	REP-P	00-13-073	440- 22-520	REP-P	00-13-073	458- 20-260	PREP	00-15-004
440- 22-025	REP-P	00-13-073	440- 22-525	REP-P	00-13-073	458- 20-261	AMD-XA	00-03-001
440- 22-030	REP-P	00-13-073	440- 22-530	REP-P	00-13-073	458- 20-261	AMD	00-11-097
440- 22-035	REP-P	00-13-073	440- 22-550	REP-P	00-13-073	458- 20-264	PREP	00-13-027
440- 22-040	REP-P	00-13-073	440- 22-560	REP-P	00-13-073	458- 30-200	PREP	00-05-074
440- 22-045	REP-P	00-13-073	440- 22-565	REP-P	00-13-073	458- 30-200	AMD-P	00-11-026
440- 22-050	REP-P	00-13-073	440- 22-600	REP-P	00-13-073	458- 30-275	PREP	00-05-074
440- 22-055	REP-P	00-13-073	440- 22-610	REP-P	00-13-073	458- 30-275	AMD-P	00-11-026
440- 22-060	REP-P	00-13-073	440- 22-620	REP-P	00-13-073	458- 30-285	PREP	00-05-074
440- 22-065	REP-P	00-13-073	440- 22-900	REP-P	00-13-073	458- 30-285	AMD-P	00-11-026
440- 22-070	REP-P	00-13-073	440- 22-905	REP-P	00-13-073	458- 30-295	PREP	00-05-074
440- 22-075	REP-P	00-13-073	440- 22-910	REP-P	00-13-073	458- 30-295	AMD-P	00-11-026
440- 22-080	REP-P	00-13-073	440- 22-915	REP-P	00-13-073	458- 30-300	PREP	00-05-074
440- 22-085	REP-P	00-13-073	440- 22-920	REP-P	00-13-073	458- 30-300	AMD-P	00-11-026
440- 22-090	REP-P	00-13-073	440- 22-925	REP-P	00-13-073	458- 30-305	PREP	00-05-074
440- 22-100	REP-P	00-13-073	440- 22-930	REP-P	00-13-073	458- 30-305	AMD-P	00-11-026
440- 22-105	REP-P	00-13-073	440- 22-935	REP-P	00-13-073	458- 30-310	PREP	00-05-074
440- 22-110	REP-P	00-13-073	440- 44-020	REP-P	00-13-073	458- 30-310	AMD-P	00-11-026
440- 22-115	REP-P	00-13-073	440- 44-025	PREP	00-10-062	458- 30-315	PREP	00-05-074
440- 22-120	REP-P	00-13-073	440- 44-026	PREP	00-10-061	458- 30-325	PREP	00-05-074
440- 22-125	REP-P	00-13-073	440- 44-028	REP	00-07-045	458- 30-325	AMD-P	00-11-026
440- 22-150	REP-P	00-13-073	446- 30-010	AMD	00-02-069	458- 30-350	PREP	00-05-074
440- 22-155	REP-P	00-13-073	446- 85-005	NEW-P	00-06-037	458- 30-700	PREP	00-09-085
440- 22-160	REP-P	00-13-073	446- 85-005	NEW	00-10-092	458- 30-710	PREP	00-09-085
440- 22-165	REP-P	00-13-073	446- 85-010	NEW-P	00-06-037	458- 40-500	PREP	00-13-116
440- 22-175	REP-P	00-13-073	446- 85-010	NEW	00-10-092	458- 40-510	PREP	00-13-116
440- 22-180	REP-P	00-13-073	458- 12-315	REP-P	00-05-033	458- 40-520	PREP	00-13-116
440- 22-200	REP-P	00-13-073	458- 12-315	REP	00-09-003	458- 40-530	PREP	00-13-116
440- 22-210	REP-P	00-13-073	458- 12-320	AMD-P	00-05-033	458- 40-535	PREP	00-13-116
440- 22-220	REP-P	00-13-073	458- 12-320	AMD	00-09-003	458- 40-600	PREP	00-13-116
440- 22-225	REP-P	00-13-073	458- 16-080	AMD-P	00-05-032	458- 40-610	PREP	00-13-116
440- 22-230	REP-P	00-13-073	458- 16-080	AMD	00-09-004	458- 40-615	PREP	00-13-116
440- 22-240	REP-P	00-13-073	458- 16-081	REP-P	00-05-032	458- 40-620	PREP	00-13-116
440- 22-250	REP-P	00-13-073	458- 16-081	REP	00-09-004	458- 40-622	PREP	00-13-116
440- 22-253	REP-P	00-13-073	458- 16A-010	AMD-P	00-06-073	458- 40-624	PREP	00-13-116
440- 22-255	REP-P	00-13-073	458- 16A-010	AMD	00-09-086	458- 40-626	PREP	00-13-116
440- 22-257	REP-P	00-13-073	458- 16A-020	AMD-P	00-06-073	458- 40-628	PREP	00-13-116
440- 22-260	REP-P	00-13-073	458- 16A-020	AMD	00-09-086	458- 40-630	PREP	00-13-116
440- 22-270	REP-P	00-13-073	458- 20-135	AMD-E	00-04-026	458- 40-632	PREP	00-13-116
440- 22-280	REP-P	00-13-073	458- 20-135	AMD-P	00-04-029	458- 40-634	PREP	00-13-116
440- 22-300	REP-P	00-13-073	458- 20-135	AMD	00-11-096	458- 40-636	PREP	00-13-116
440- 22-310	REP-P	00-13-073	458- 20-13501	PREP	00-04-027	458- 40-640	PREP	00-13-116

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458-40-650	PREP	00-08-108	468-14-050	REP-XR	00-07-027	480-15-035	NEW	00-14-010
458-40-650	AMD-P	00-13-115	468-14-050	REP	00-11-133	480-15-260	AMD-P	00-09-079
458-40-660	PREP	00-06-053	468-16-080	PREP	00-07-026	480-15-260	AMD	00-14-010
458-40-660	PREP	00-08-109	468-16-080	AMD-P	00-11-134	480-15-490	AMD-P	00-09-079
458-40-660	AMD-P	00-10-055	468-16-080	AMD	00-14-055	480-15-490	AMD	00-14-010
458-40-660	AMD-P	00-13-119	468-16-100	PREP	00-07-026	480-15-560	AMD-P	00-09-079
458-40-660	AMD	00-14-011	468-16-100	AMD-P	00-11-134	480-15-560	AMD	00-14-010
458-40-670	PREP	00-13-116	468-16-100	AMD	00-14-055	480-15-570	AMD-P	00-09-079
458-40-680	PREP	00-13-116	468-16-150	PREP	00-07-026	480-15-570	AMD	00-14-010
458-40-682	PREP	00-13-116	468-16-150	AMD-P	00-11-134	480-15-620	AMD-P	00-09-079
458-40-684	PREP	00-13-116	468-16-150	AMD	00-14-055	480-15-620	AMD	00-14-010
458-40-686	PREP	00-13-116	468-38-070	PREP	00-04-068	480-15-650	AMD-P	00-09-079
458-40-690	PREP	00-13-116	468-38-070	AMD-P	00-07-072	480-15-650	AMD	00-14-010
458-57-035	AMD-XA	00-14-028	468-38-070	AMD	00-11-019	480-15-660	AMD-P	00-09-079
458-57-045	AMD-XA	00-14-028	468-38-090	REP-P	00-07-072	480-15-660	AMD	00-14-010
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458-61-230	AMD	00-09-002	468-38-100	PREP	00-14-001	480-15-740	AMD	00-14-010
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460-21C-005	NEW	00-05-055	468-38-110	AMD	00-11-020	480-60-012	NEW	00-04-011
460-21C-010	NEW-P	00-02-068	468-38-290	AMD-E	00-05-087	480-60-014	NEW	00-04-011
460-21C-010	NEW	00-05-055	468-38-290	PREP	00-05-088	480-60-020	AMD	00-04-011
460-21C-020	NEW-P	00-02-068	468-38-290	AMD-P	00-08-047	480-60-030	AMD	00-04-011
460-21C-020	NEW	00-05-055	468-38-290	AMD	00-11-038	480-60-035	NEW	00-04-011
460-21C-030	NEW-P	00-02-068	468-38-290	AMD-E	00-12-022	480-60-040	AMD	00-04-011
460-21C-030	NEW	00-05-055	468-38-290	AMD-XA	00-12-023	480-60-050	AMD	00-04-011
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460-21C-040	NEW	00-05-055	468-300-020	PREP	00-04-086	480-60-070	REP	00-04-011
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460-44A-504	AMD	00-04-094	468-300-220	PREP	00-04-086	480-60-090	AMD	00-04-011
460-44A-504	AMD-XA	00-16-102	474-02-010	AMD	00-11-084	480-60-99002	REP	00-04-011
460-46A-010	REP	00-04-095	474-02-020	AMD	00-11-084	480-60-99003	REP	00-04-011
460-46A-020	REP	00-04-095	478-132-010	AMD	00-04-038	480-62-235	NEW-E	00-12-009
460-46A-025	REP	00-04-095	478-132-030	AMD	00-04-038	480-66-010	REP	00-04-011
460-46A-030	REP	00-04-095	478-324-020	AMD	00-04-039	480-66-020	REP	00-04-011
460-46A-040	REP	00-04-095	478-324-030	AMD	00-04-039	480-66-030	REP	00-04-011
460-46A-050	REP	00-04-095	478-324-040	AMD	00-04-039	480-66-040	REP	00-04-011
460-46A-055	REP	00-04-095	478-324-045	NEW	00-04-039	480-66-050	REP	00-04-011
460-46A-061	REP	00-04-095	478-324-050	REP	00-04-039	480-66-060	REP	00-04-011
460-46A-065	REP	00-04-095	478-324-060	AMD	00-04-039	480-66-070	REP	00-04-011
460-46A-071	REP	00-04-095	478-324-070	AMD	00-04-039	480-66-100	NEW	00-04-011
460-46A-072	REP	00-04-095	478-324-090	AMD	00-04-039	480-66-110	NEW	00-04-011
460-46A-090	REP	00-04-095	478-324-110	AMD	00-04-039	480-66-120	NEW	00-04-011
460-46A-091	REP	00-04-095	478-324-120	AMD	00-04-039	480-66-140	NEW	00-04-011
460-46A-092	REP	00-04-095	478-324-130	AMD	00-04-039	480-66-150	NEW	00-04-011
460-46A-095	REP	00-04-095	478-324-140	AMD	00-04-039	480-66-160	NEW	00-04-011
460-46A-100	REP	00-04-095	478-324-150	AMD	00-04-039	480-66-170	NEW	00-04-011
460-46A-105	REP	00-04-095	478-324-170	AMD	00-04-039	480-66-200	NEW	00-04-011
460-46A-110	REP	00-04-095	478-324-180	AMD	00-04-039	480-66-210	NEW	00-04-011
460-46A-115	REP	00-04-095	478-324-190	AMD	00-04-039	480-66-220	NEW	00-04-011
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468-14-010	REP	00-11-133	480-15-010	AMD-P	00-09-079	480-66-410	NEW	00-04-011
468-14-020	REP-XR	00-07-027	480-15-010	AMD	00-14-010	480-66-420	NEW	00-04-011
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480-66-510	NEW	00-04-011	495A-121-040	NEW	00-11-147	495C-116-210	AMD	00-12-019
480-66-520	NEW	00-04-011	495A-121-041	NEW-P	00-05-017	495C-116-260	AMD-P	00-08-105
480-66-600	NEW	00-04-011	495A-121-041	NEW	00-11-147	495C-116-260	AMD	00-12-019
480-66-620	NEW	00-04-011	495A-121-042	NEW-P	00-05-017	495C-120-010	AMD-P	00-08-105
480-80-335	AMD-P	00-11-044	495A-121-042	NEW	00-11-147	495C-120-010	AMD	00-12-019
480-110-255	AMD-S	00-11-043	495A-121-043	NEW-P	00-05-017	495C-120-020	AMD-P	00-08-105
480-120-071	AMD-P	00-10-086	495A-121-043	NEW	00-11-147	495C-120-020	AMD	00-12-019
480-120-139	AMD	00-03-047	495A-121-044	NEW-P	00-05-017	495C-120-040	AMD-P	00-08-105
480-120-990	NEW-S	00-07-047	495A-121-044	NEW	00-11-147	495C-120-040	AMD	00-12-019
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495A-120-010	REP	00-11-148	495A-121-045	NEW	00-11-147	495C-120-041	NEW	00-12-019
495A-120-020	REP	00-11-148	495A-121-046	NEW-P	00-05-017	495C-120-045	AMD-P	00-08-105
495A-120-030	REP	00-11-148	495A-121-046	NEW	00-11-147	495C-120-045	AMD	00-12-019
495A-120-040	REP	00-11-148	495A-121-047	NEW-P	00-05-017	495C-120-050	AMD-P	00-08-105
495A-120-041	REP	00-11-148	495A-121-047	NEW	00-11-147	495C-120-050	AMD	00-12-019
495A-120-042	REP	00-11-148	495A-121-048	NEW-P	00-05-017	495C-120-080	AMD-P	00-08-105
495A-120-043	REP	00-11-148	495A-121-048	NEW	00-11-147	495C-120-080	AMD	00-12-019
495A-120-045	REP	00-11-148	495A-121-049	NEW-P	00-05-017	495C-120-090	AMD-P	00-08-105
495A-120-050	REP	00-11-148	495A-121-049	NEW	00-11-147	495C-120-090	AMD	00-12-019
495A-120-060	REP	00-11-148	495A-121-060	NEW-P	00-05-017	495C-120-100	AMD-P	00-08-105
495A-120-070	REP	00-11-148	495A-121-060	NEW	00-11-147	495C-120-100	AMD	00-12-019
495A-120-080	REP	00-11-148	495A-121-061	NEW-P	00-05-017	495C-120-120	AMD-P	00-08-105
495A-120-090	REP	00-11-148	495A-121-061	NEW	00-11-147	495C-120-120	AMD	00-12-019
495A-120-100	REP	00-11-148	495A-121-062	NEW-P	00-05-017	495C-120-125	NEW-P	00-08-105
495A-120-110	REP	00-11-148	495A-121-062	NEW	00-11-147	495C-120-125	NEW	00-12-019
495A-120-120	REP	00-11-148	495A-121-063	NEW-P	00-05-017	495C-120-130	AMD-P	00-08-105
495A-120-130	REP	00-11-148	495A-121-063	NEW	00-11-147	495C-120-130	AMD	00-12-019
495A-120-135	REP	00-11-148	495A-121-064	NEW-P	00-05-017	495C-120-140	AMD-P	00-08-105
495A-120-140	REP	00-11-148	495A-121-064	NEW	00-11-147	495C-120-140	AMD	00-12-019
495A-120-150	REP	00-11-148	495A-121-065	NEW-P	00-05-017	495C-120-150	AMD-P	00-08-105
495A-120-160	REP	00-11-148	495A-121-065	NEW	00-11-147	495C-120-150	AMD	00-12-019
495A-120-170	REP	00-11-148	495A-121-066	NEW-P	00-05-017	495C-120-160	AMD-P	00-08-105
495A-120-180	REP	00-11-148	495A-121-066	NEW	00-11-147	495C-120-160	AMD	00-12-019
495A-120-190	REP	00-11-148	495A-121-070	NEW-P	00-05-017	495C-120-170	AMD-P	00-08-105
495A-120-200	REP	00-11-148	495A-121-070	NEW	00-11-147	495C-120-170	AMD	00-12-019
495A-121-010	NEW-P	00-05-017	495A-121-090	NEW-P	00-05-017	495C-120-180	AMD-P	00-08-105
495A-121-010	NEW	00-11-147	495A-121-090	NEW	00-11-147	495C-120-180	AMD	00-12-019
495A-121-011	NEW-P	00-05-017	495A-121-091	NEW-P	00-05-017	495C-132-010	AMD-P	00-08-105
495A-121-011	NEW	00-11-147	495A-121-091	NEW	00-11-147	495C-132-010	AMD	00-12-019
495A-121-012	NEW-P	00-05-017	495A-121-092	NEW-P	00-05-017	495C-133-020	AMD-P	00-08-105
495A-121-012	NEW	00-11-147	495A-121-092	NEW	00-11-147	495C-133-020	AMD	00-12-019
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495A-121-021	NEW-P	00-05-017	495A-121-094	NEW-P	00-05-017	495C-140-090	AMD-P	00-08-105
495A-121-021	NEW	00-11-147	495A-121-094	NEW	00-11-147	495C-140-090	AMD	00-12-019
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495A-121-024	NEW	00-11-147	495C-116-100	AMD	00-12-019	495C-168-040	AMD	00-12-019
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495A-121-026	NEW	00-11-147	495C-116-130	AMD	00-12-019	495C-276-040	AMD	00-12-019
495A-121-027	NEW-P	00-05-017	495C-116-160	AMD-P	00-08-105	495C-276-060	AMD-P	00-08-105
495A-121-027	NEW	00-11-147	495C-116-160	AMD	00-12-019	495C-276-060	AMD	00-12-019
495A-121-028	NEW-P	00-05-017	495C-116-170	AMD-P	00-08-105	495C-276-080	AMD-P	00-08-105
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495C-280-010	REP	00-12-019	495D-280-080	AMD-P	00-16-098			
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495C-280-015	REP	00-12-019	495D-280-100	AMD-P	00-16-098			
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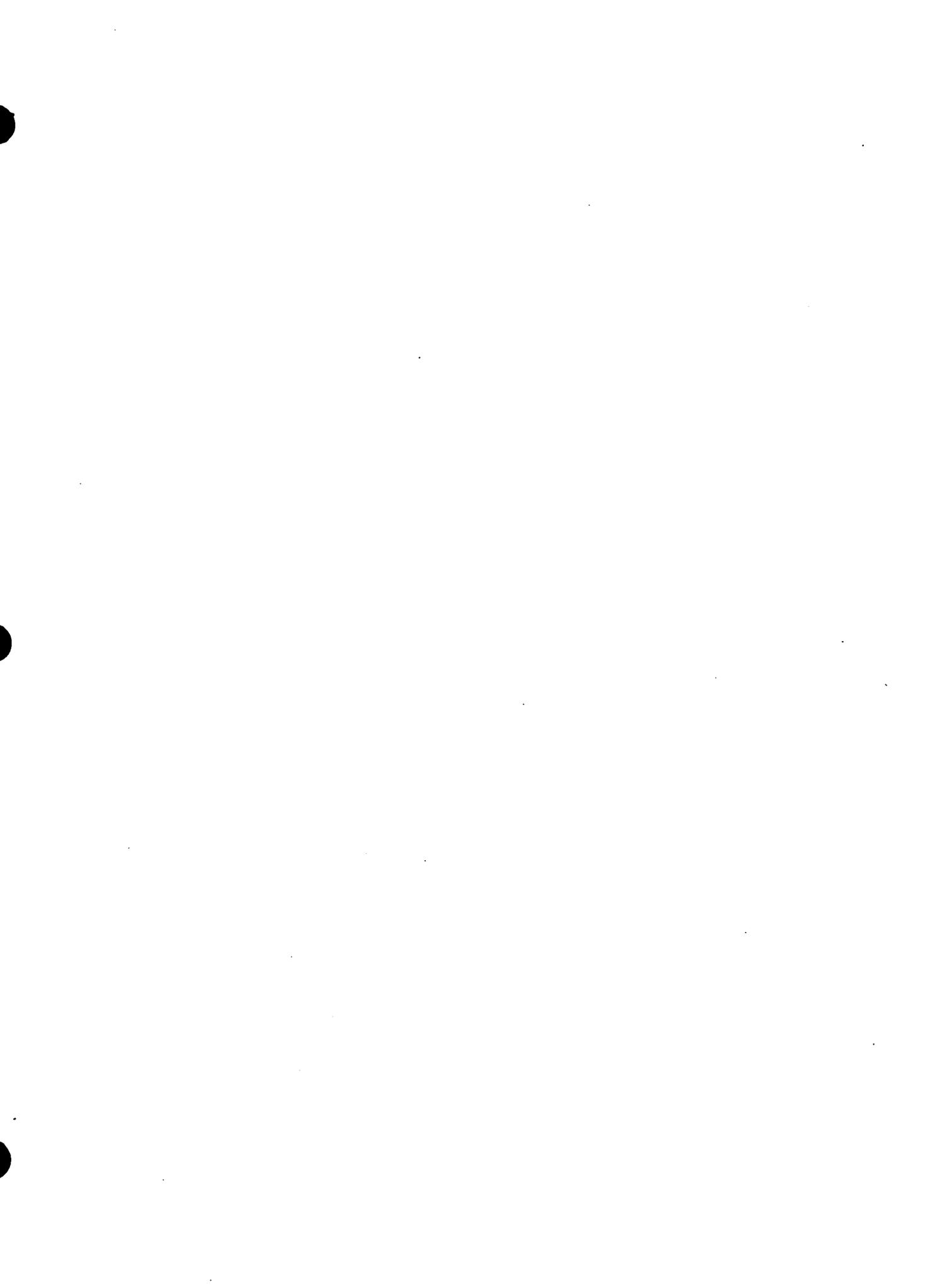
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